AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ENHANCING DHS' EFFORTS TO DISRUPT ALIEN SMUGGLING ACROSS OUR BORDERS

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JULY 22, 2010

Serial No. 111–76

Printed for the use of the Committee on Homeland Security

Available via the World Wide Web: http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

64–702 PDF WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

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

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

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

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California
JANE HARMAN, California
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
ANN KIRKPATRICK, Arizona
BILL PASCRELL, JR., New Jersey
AL GREEN, Texas
VACANCY
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

CANDICE S. MILLER, Michigan
MICHAEL T. MCCAUL, Texas
GUS M. BILIRAKIS, Florida
MIKE ROGERS, Alabama
LAMAR SMITH, Texas
PETER T. KING, New York *(Ex Officio)*

ALISON NORTHOP, *Staff Director*
NIKKI HADDER, *Clerk*
MANDY BOWERS, *Minority Subcommittee Lead*

CONTENTS

Page

STATEMENTS

The Honorable Henry Cuellar, a Representative in Congress from the State of Texas, and Chairman, Subcommittee on Border, Maritime, and Global Counterterrorism 1
The Honorable Candice S. Miller, a Representative in Congress from the State of Michigan, and Ranking Member, Subcommittee on Border, Maritime, and Global Counterterrorism 2
The Honorable Bennie G. Thompson, a Representative in Congress from the State of Mississippi, and Chairman, Committee on Homeland Security .. 9
The Honorable Harry Mitchell, a Representative in Congress from the State of Arizona:
Prepared Statement 10

WITNESSES

Mr. James A. Dinkins, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security:
Oral Statement 12
Prepared Statement 14
Mr. Michael J. Fisher, Chief of the Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security:
Oral Statement 18
Prepared Statement 19
Mr. Terry Goddard, Attorney General, State of Arizona:
Oral Statement 22
Prepared Statement 24
Mr. Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office:
Oral Statement 31
Prepared Statement 33
Ms. Janice L. Kephart, Director of National Security Policy, Center for Immigration Studies:
Oral Statement 38
Prepared Statement 40

FOR THE RECORD

The Honorable Candice S. Miller, a Representative in Congress from the State of Michigan, and Ranking Member, Subcommittee on Border, Maritime, and Global Counterterrorism:
Statement of Jan Brewer, Governor, State of Arizona 4

ENHANCING DHS' EFFORTS TO DISRUPT ALIEN SMUGGLING ACROSS OUR BORDERS

Thursday, July 22, 2010

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

The subcommittee met, pursuant to call, at 10:01 a.m., in Room 311, Cannon House Office Building, Hon. Henry Cuellar [Chairman of the subcommittee] presiding.

Present: Representatives Cuellar, Thompson, Sanchez, Jackson Lee, Kirkpatrick, Pascrell, Green, and Miller.

Also present: Representatives Mitchell and Dent.

Mr. CUELLAR [presiding]. This subcommittee will come to order. The Subcommittee on Border, Maritime, and Global Counterterrorism is meeting today to receive testimony on enhancing DHS' efforts to disrupt alien smuggling across our borders.

Today, the subcommittee is examining a growing homeland security challenge—that is, alien smuggling across America's borders. In recent years, those of us living near our Nation's southern border have witnessed a troubling uptick in alien smuggling activities.

Not unique to the south, human smuggling also occurs along our northern border, too. As a result, the Federal Government has sent more personal resources to secure our borders, and in response individuals seeking to enter the United States illegally have become increasingly dependent on alien smuggling to help them evade our law enforcement and gain entry into the country.

As we have done more to secure our borders, alien smuggling organizations have increasingly become mobile, violent, and dangerous. They are now posing new threats to our law enforcement officials, our border communities, and the people they attempt to smuggle across our borders.

Particularly troubling is the potential for those organizations to smuggle terrorists into our country. While the vast majority of individuals smuggled into the United States are economic migrants, the possibility exists that those who seek to do us harm might exploit those routes, with dire consequences for our Nation's security. Therefore, we are working to secure not just our land ports, but our maritime ports of entry and coastal waters as well.

But tying up security on the smuggling routes is just one part of the bigger solution. Immigration and Customs Enforcement—ICE—Customs and Border Protection—CBP—and their Federal, State, and local partners have stepped up efforts to identify and

disrupt alien smuggling organizations in recent years. Just this week Secretary Napolitano announced that DHS is deploying 100 additional ICE personnel and 300 more Border Patrol agents and CBP officers and new technology and aircraft to Arizona, which is a major area for alien smuggling.

DHS is also initiating a program in Arizona to increase the prosecution of criminal aliens apprehended and for re-entering the United States illegally after prior removal. These kinds of prosecution efforts have been successful elsewhere along the border, and I am encouraged by their use in Arizona as well.

The Obama administration also announced it would temporarily deploy 1,200 National Guard troops to the southern border beginning August 1 of this year. This program will provide additional support and surveillance to our border security efforts already under way. In doing so, it would strengthen our multi-layer approach to combat narcotics, weapons, bulk cash, and human smuggling along our border.

These measures are encouraging, but much more remains to be done. As the Government Accountability Office found in a report being released in conjunction with today's hearing, DHS should better leverage its personnel and resources. We know ICE personnel, in particular, are increasingly stretched thin, which is an issue DHS and Congress need to address.

GAO also recommends that ICE consider using additional financial investigative and seizure techniques to combat alien smuggling. Back when I was a member of the State legislature, I was the author of the legislation that would regulate in a different way the Casa de Cambios, the other places where they use as money exchange currency for businesses, as you know, where sometimes are involved in laundering illicit proceeds. So, I understand that in order to fight criminal organizations, often the best way is to go after their money.

Finally, I would like to thank Chairman Thompson and Representative Harry Mitchell for requesting this important GAO report. Representative Mitchell recently introduced legislation to give ICE additional assets for forfeiture authority, and I applaud his leadership on this important issue.

I appreciate our panel of witnesses for joining us today, and I look forward to your testimony.

The Chairman now recognizes the Ranking Member of the subcommittee, the gentlelady from Michigan, Mrs. Miller, for an opening statement.

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

I certainly welcome all of our witnesses as well, and I am delighted to be here this morning to examine the very important issue of how we would better combat alien smuggling along the southwest border, which is certainly a National security issue for our great Nation.

However, I do think it is ironic that we are here today to examine efforts by the administration to combat alien smuggling, when actually this administration is suing the State of Arizona—we are shortly going to be hearing from the attorney general of that State—for protecting its residents from the effect of illegal immigration, which, of course, is cued largely by alien smuggling.

Alien smuggling has gotten so bad in Arizona that the Bureau of Land Management has actually erected signs in the desert warning of the danger to the public of smuggling. Here is a picture of the sign. The sign reads, "Danger: Public Warning—Travel Not Recommended—Active Drug and Human Smuggling Area. Visitors may encounter armed criminals and smuggling vehicles traveling at high rates of speed—high rates of speed. Stay away from trash, clothing, backpacks, and abandoned vehicles. If you see suspicious activity, do not confront. Move away and call 911."

This is a sign in America.

One recent study actually found that illegal immigration costs American taxpayers $113 billion annually, and that is more than $1,100 per household across the entire Nation. That same study found that Arizona spends more, approximately $2.5 billion annually, on costs associated with illegal immigration.

I think what should concern us as much, if not more, are reports that aliens from special-interest countries that support terrorism may be using the same routes used by alien smugglers and drug traffickers to across our porous borders, after which they could disappear, of course, to plan or to execute attacks on our country.

Mr. Chairman, I have asked the Governor of Arizona, Jan Brewer, if she could submit a statement for the record for our subcommittee, and I did receive one late yesterday afternoon. I have shared it with all the subcommittee Members. I would certainly ask unanimous consent to submit her entire statement for the record, without objection, hopefully.

Mr. CUELLAR. Without objection.

[The information follows:]

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

Statement to the Subcommittee on Border, Maritime
and Global Counterterrorism
Hearing on *"Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Borders"*
Thursday, July 22, 2010, 10:00 a.m.

I appreciate the opportunity to submit this statement on human smuggling to the House of Representatives Homeland Security Committee's Subcommittee on Border, Maritime and Global Counterterrorism. This statement reveals why our nation's porous southern border and illegal immigration are of such concern to me and should be a concern to every American.

Arizona is a wonderful place to live, work and visit with its warm welcoming people, year-round sunshine, business ready environment, rich history, and culture. As governor, I am deeply committed to ensuring Arizona maintains all of the qualities that make it such a special place. Regrettably, the lack of a secure international border between Arizona and Mexico and the accompanying issues of human smuggling, border violence and illegal immigration are serious problems that, if allowed to continue unabated, will hurt Arizona's quality of life. The issues are not new and the federal government has neglected to solve them for over a decade or longer. Continued inaction at the federal level over the years has exacerbated the problems. I believe the time has come for the federal government to secure our southern border with Mexico and ensure the preservation of not only Arizona's quality of life but also our nation's sovereignty and security.

The border region has become increasingly lawless and concerns continue to grow about violence spilling over into our border communities and then farther north into major metropolitan areas. Absent a significant improvement in border security and a firm commitment to enforce U.S. immigration laws, citizens throughout the southwest -- not just Arizona -- have a legitimate right to be concerned about lawlessness and violence. Moreover, the federal government's policy of securing the border in the El Paso and San Diego areas has turned Arizona into the superhighway of human smuggling activity, forcing illegal smugglers and illegal aliens into the remote and dangerous Arizona desert on their way to drop houses in Arizona's metropolitan areas.

Human smugglers are criminal operatives that prey on illegal aliens and coordinate their passage into our country. The illegal immigrants are smuggled into the country, typically on foot, through the Arizona desert in very remote, rugged and dangerous terrain. Upon reaching a lay-up area, the smugglers will transition the illegal aliens into a vehicle for transport to a drop house. It is not unusual for smugglers to cram fifteen or more illegal aliens into a truck or van, or, in some cases, the smugglers will place dozens of illegal

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602

aliens into rental moving vans for transport. The smugglers temporarily stash their human cargo in overcrowded drop houses until transportation to and employment in their final destination are arranged.

The consequences of human smuggling are widespread and impact every single taxpayer. Naturally, human smuggling leads to illegal immigration, but it also leads to illegal alien deaths, crime and violence, an increased financial burden on taxpayers, environmental damage and degradation, and poses a national security threat to the United States as the southern border is an open invitation to terrorists.

The federal government's segmented border enforcement policy is leading to illegal alien deaths in the Arizona desert. A recent news report noted that illegal immigrant deaths were soaring so high this July that the Pima County Medical Examiner's Office is using a refrigerated truck to store some of the bodies. The Pima County Medical Examiner's Office has confirmed the recovery of 140 illegal immigrant bodies since the beginning of this calendar year and 46 illegal immigrant deaths in July alone. Pima County authorities have been tracking border-crossing deaths for over a decade and are concerned that the rate of illegal immigrant deaths this month could top the single-month record of 68 from July 2005. The deaths of these illegal immigrants are the direct result of the federal government's failure to secure the international border with Mexico and it is unfathomable that federal officials allow these deaths to occur year after year.

Illegal aliens who successfully cross the border are frequently victims of their own smugglers. Law enforcement in Arizona is constantly busting illegal alien drop houses, where illegal immigrants are often exploited, required to participate in criminal activities or otherwise abused. It is not uncommon for smugglers to hold illegal aliens hostage until an additional smuggling fee is paid in full. Occasionally, human smugglers will kidnap illegal aliens from other competing smuggling rings. The human smuggling trade has earned the City of Phoenix the distinction of being the kidnapping capital of the United States, with a world ranking only second behind Mexico City.

The existing federal government policy is also bringing crime and violence to Arizona's border with Mexico and to our metropolitan areas. The weekly community informational published by the Tucson Sector of the U.S. Customs and Border Protection provides a snapshot of the arrests made every week in the Tucson sector. Recent reports have noted the arrests of illegal aliens who are admitted members of notorious street gangs such as Mara Salvatrucha (commonly referred to as MS-13), the Sureños and several others. The reports also note the arrests of illegal aliens with previous criminal convictions for numerous crimes against children including child molestation, unlawful sexual intercourse with a minor three years of age or younger, and lewd and lascivious acts with a child under 14 years of age, and still other illegal aliens with convictions for rape, manslaughter, drug trafficking -- and the list goes on. Fortunately, the brave men and women of the Border Patrol apprehended these felons before they could victimize more American citizens. However, news accounts report the Border Patrol estimates they only

apprehend 1 in 4 border crossers. For every illegal alien with a criminal history arrested, three are not arrested and those criminal aliens find their way into our neighborhoods in Arizona and to other communities throughout the United States. Without a secure border, American citizens will continue to needlessly suffer at the hands of the criminal element of the illegal alien population.

Moreover, recently the federal Bureau of Land Management posted new signs in interior counties of Arizona warning residents not to access federal lands due to criminal activity associated with the border. These warnings signal to some that we have handed over portions of sovereign U.S. territory to human smugglers and drug traffickers. This is an outrage. Instead of warning Americans to stay out of parts of our own country, we ought to be warning all international lawbreakers that they will be detained and prosecuted to the fullest extent of the law. We should also establish measures that stop illegal border crossings and put an end to crimes perpetrated on Americans by illegal aliens.

The financial costs of human smuggling are burdensome on taxpayers -- whether it be the costs of incarceration, education or health care for illegal aliens. These unnecessary expenses only exacerbate the federal budget deficit and state budget problems. According to a United States General Accountability Office study conducted in 2005, the most recent report available, it cost the U.S. Bureau of Prisons $4.2 billion to incarcerate criminal aliens for calendar years 2001 to 2004. The Arizona Department of Corrections incarcerates nearly 6,000 criminal aliens, nearly 15 percent of the inmate population. The incarceration of criminal aliens in the state prison system costs Arizona taxpayers approximately $150 million annually. Taxpayers are spending an enormous amount of money every year incarcerating criminal aliens who would not be in this country if the federal government would secure the border and enforce its immigration laws. U.S. taxpayers are also footing the bill on other massive expenses relating to health care for illegal immigrants and illegal immigrants in public schools.

The federal government's segmented border enforcement is also causing environmental destruction of the pristine Sonoran Desert. Securing the border in El Paso and San Diego has routed human smugglers through environmentally sensitive areas of southern Arizona. Human smuggling in these areas has led to the desert being littered with trash and human waste. Some areas in southern Arizona resemble landfills. Human smugglers have cut illegal roads and trails through the desert and abandoned countless vehicles. The environmental damage occurring in southern Arizona due to human smuggling is a national disgrace.

The lack of a secure border with Mexico also poses a national security threat to the United States as it provides terrorists the opportunity to enter our country undetected. While the bulk of illegal immigrants being smuggled into the United States are from Mexico and Central and Latin American countries, others are from special interest countries. In a post 9-11 world, it is unconscionable that the federal government has not

The Honorable Janice K. Brewer
Governor, State of Arizona
Statement to the Subcommittee on Border, Maritime and Global Counterterrorism
July 22, 2010

secured the international border with Mexico and we face the possibility that terrorists looking to harm America could sneak into the U.S. through the Arizona desert.

The federal government has failed to secure our international border with Mexico for decades. This neglect has fostered an environment that has led to the initial establishment and continued growth of human smuggling rings. These smuggling rings import illegal aliens to the United States, the smuggling rings themselves and an element of their human cargo bring crime and violence to our communities and neighborhoods and create a financial burden on governments and taxpayers. If that were not enough, the unsecure border in Arizona leaves a gaping hole for terrorists to enter the United States undetected and do us harm. It is time for the federal government to do its job, secure the international border with Mexico and put human smugglers out of business.

Page 4 of 4

Mrs. MILLER. If I could, Mr. Chairman, read just a couple of excerpts from the Governor's statement to our subcommittee.

"I appreciate the opportunity to submit this statement on human smuggling to the House of Representatives Homeland Security Committee, Subcommittee on Border, Maritime, and Global Counterterrorism. This statement reveals why our Nation's porous southern border and illegal immigration are of such concern to me and should be of concern to every American."

I am just going through a couple of different sections of the Governor's comments. She said, "I believe the time has come for the Federal Government to secure our southern border with Mexico and to ensure the preservation of not only Arizona's quality of life, but our Nation's sovereignty and security.

"The border region has become increasingly lawless, and concerns continue to grow about violence spilling over into our border communities and then further north into major metropolitan areas. Absent a significant improvement in border security and a firm commitment to enforce U.S. immigration laws, citizens throughout the Southwest—not just Arizona—have a legitimate right to be concerned about lawlessness and violence."

Another section of the Governor's statement says, "Recently, the Federal Bureau of Land Management posted new signs interior counties of Arizona——"

Hold up the sign again, if you could.

She is also referencing this sign.

"——warning residents not to access Federal lands due to criminal activity associated with the border. These warning signals to some—these warnings signal to some that we have handed over portions of sovereign U.S. territory to human smugglers and drug traffickers.

"This is an outrage. Instead of warning Americans to stay out of parts of our own country, we ought to be warning all international lawbreakers that they will be detained and prosecuted to the fullest extent of the law. We should also establish measures that stop illegal border crossings and put an end to crimes perpetrated on Americans by illegal aliens."

She also goes on to say, "The lack of a secure border with Mexico also poses a National security threat to the United States, as it provides terrorists the opportunity to enter our country undetected. While the bulk of illegal immigrants being smuggled into the United States are from Mexico and Central and Latin American countries, others are from special-interest countries. And in a post-9/11 world, it is unconscionable that the Federal Government has not secured the international border with Mexico, and we face the possibility that terrorists looking to harm America could sneak into the U.S. through the Arizona desert."

Just a last comment from her statement, "The Federal Government has failed to secure our international border with Mexico for decades. This neglect has fostered an environment that has led to the initial establishment and continued growth of human smuggling rings. The smuggling rings import illegal aliens to the United States.

"The smuggling rings themselves and an element of their human cargo can bring crime and violence to our communities and neighborhoods and create a financial burden on Government and taxpayers. If that were not enough, the unsecured border in Arizona leaves a gaping hole for terrorists to enter the United States undetected and do us harm."

The Governor completes her statement by saying, "It is time for the Federal Government to do its job, secure the international border with Mexico, and put human smugglers out of business."

I think, Mr. Chairman, the entire country can appreciate the concerns of the Governor of Arizona for her citizens as well as all the Border States, who share similar challenges as well.

I certainly look forward to hearing from our witnesses, and I would pledge my very strong support to work with the Chairman, our entire subcommittee, and the Congress to make sure that the

Federal Government does in fact do its job and secure our borders and protect the homeland.

Thank you very much. I yield back.

Mr. CUELLAR. Thank you very much.

I thank the gentlewoman from Michigan for her opening statement.

At this time the Chairman now recognizes the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Thank you for holding today's hearing to examine the Department of Homeland Security's effort to combat alien smuggling across America's borders.

As you know, I recently visited Arizona, where I heard from residents about the need to do more to secure our borders and fight human smuggling and drug trafficking. I also received briefings from Border Patrol's Tucson sector leadership and met with Immigration and Customs Enforcement officials in Phoenix about the serious challenges they are facing.

Representative Ann Kirkpatrick, a Member of this subcommittee, and I discussed ICE's special-agent-in-charge in Phoenix the rising threat posed by smuggling organizations. Representative Kirkpatrick has been a vocal advocate for combating smuggling and trafficking in her State. She also highlighted a very troubling effect these criminal organizations are having even in cities not located directly on the border, such as Phoenix.

I thank her for her leadership and look forward to continuing to work with her on these important issues.

I left Arizona with an even better appreciation for the magnitude of the concerns facing border residents and the challenges facing Federal and State law enforcement officials in the region. In recognition of these challenges, Secretary Napolitano recently announced regarding sending additional CBP and ICE personnel, and assets to Arizona, is welcome news.

I look forward to hearing more about how these resources will be utilized, how long they will deployed, and what the long-term plan is for addressing border security needs in the area.

Regarding the GAO report being released today, it is apparent that much work remains to be done in addressing smuggling. I am especially concerned about GAO's finding that ICE is not making the best use of its personnel to investigate alien smuggling organizations. According to GAO, ICE investigators are doing immigration enforcement work that would be better suited to detention officers, leaving investigators less time to conduct activities related to addressing criminal organizations.

Given our finite border security resources, it is imperative that ICE examine how we can better allocate its personnel to address these recommendations. I am also interested in hearing about whether additional resources or authorities are necessary for ICE to carry out their mission.

While DHS has made some progress on alien smuggling since GAO's last report on that topic in 2005, it is clear that much still remains to be done. I hope GAO will be able to share with us the

developments they have observed over the last 5 years and that ICE and CBP will speak to the department's plans going forward.

At the State level, Arizona has been particularly affected by alien smuggling organizations in recent years. The Arizona attorney general's office and its law enforcement partners have achieved impressive results combating alien smuggling organizations by going after their money. Federal and State law enforcement agencies should be encouraged to work together to identify and implement measures to address alien smugglers. Hopefully, today's hearing offers an opportunity to further that important effort.

In closing, I would like to thank Representative Harry Mitchell for working so diligently with me on this GAO request. He knows these issues well, given his efforts to assist the communities in his district. I am pleased that he will be with us today and will be able to share his valuable insight with the subcommittee.

Thank you for the witnesses for joining us, and I look forward to your testimony.

Mr. CUELLAR. Thank you very much, Mr. Chairman, for your opening statement.

Mrs. MILLER. Yes, Mr. Chairman, if I could, I would ask unanimous consent that the gentleman from Pennsylvania, Mr. Dent, would be permitted to sit and question the witnesses at today's hearing.

Mr. CUELLAR. Without objection.

Mrs. MILLER. Thank you.

Mr. CUELLAR. At this time I also ask unanimous consent to have the gentleman from Arizona, Mr. Harry Mitchell, to be permitted to sit and question the witnesses at today's hearing without objection.

So, Mr. Dent.

Then, Mr. Mitchell, if you want to join us up here.

Other Members of the subcommittee are reminded that under the committee rules, opening statements may be submitted for the record.

[The statement of Hon. Mitchell follows:]

PREPARED STATEMENT OF HON. HARRY MITCHELL

JULY 22, 2010

Thank you, Mr. Chairman, and thank you Ranking Member Miller, and all the Members of this subcommittee for permitting me to join you here today.

I also want to thank Chairman Thompson, without whose help, today's GAO Report and today's hearing about it would not have been possible.

I want to extend a warm welcome to Arizona's attorney general, who has taken time from his very busy schedule to join us here today. Attorney General Goddard has not just been a leader in the fight against Mexican drug cartels, he's been an innovator, and we will hear more about his important efforts shortly.

Finally, I want to thank the extremely hard-working team at GAO, whose dedication and attention to detail have resulted in key findings and recommendations that we will be examining today.

Arizona continues to pay a heavy price for the Federal Government's failure to secure the border and fix our broken immigration system. Arizona has been especially hard hit. More than half the illegal crossings across the U.S.-Mexico border happen in our State.

But this isn't just a crisis for communities along the border. This is a crisis in the interior—in places like Phoenix, where smugglers and Mexican cartels have set up vast networks of drop houses, which operate as way stations for criminal smuggling enterprises.

It has been estimated that there may be as many as 1,000 such drop houses in the Phoenix metropolitan area alone.

The crime associated with these drop houses is brutal and alarming. Phoenix now experiences upwards of 300 kidnappings a year.

I had the opportunity to visit a drop house just this past weekend, and I saw where smugglers had kept victims behind barred doors and windows while they extorted money for their release. I also visited another home in the same neighborhood, the site of a drug-cartel kidnapping, where smugglers had begun digging a grave for one of their captives, right there inside the house.

These violent thugs put innocent, law-abiding citizens at risk as well, when fights between rival cartels over smuggled cargo devolve into gunfire.

And these drop houses are everywhere. Living in an upscale neighborhood doesn't immunize you from the threat.

That's why, back in February of 2008, I asked the GAO to investigate ICE's efforts to shut down these drop houses and stop the illegal smuggling. It has taken 2.5 years for the GAO to complete this investigation, but I am pleased that we finally have the results, which are instructive, and I hope that both ICE and Members of this committee will take note.

Two findings, I think, are particularly important. First, the GAO notes that there continues to be a Federal loophole that precludes the use of civil forfeiture to seize homes that are used as drop houses. According to GAO, its staff visited one ICE investigative office which contained a huge map showing over 300 drop houses in the surrounding area. ICE officials complained, however, that they had only been able to seize one of these houses, and that civil asset forfeiture authority would have made it easier to seize far more of them.

I firmly believe we need to close this loophole, and that is why earlier this week Rep. Bilbray and I introduced a bipartisan bill—the Stop the Drop Houses Act, H.R. 5769—to do so.

Second, the GAO recommends that ICE look into the investigative techniques used by an Arizona Attorney General task force which has seized millions of dollars and disrupted alien smuggling operations by following cash transactions flowing through money transmitters like Western Union. The task force has established methods for identifying suspicious, smuggling-related wire transfers and disrupting them.

Moreover, under the terms of a major settlement Attorney General Goddard reached earlier this year with Western Union, Western Union has agreed to provide Arizona and other border States with unprecedented access to data on wire transfers along the border, including locations in Mexico.

Since the settlement, the other money wire companies have voluntarily agreed to provide Attorney General Goddard's office with their data as well.

This data, combined with the methods developed by Attorney General Goddard's task force, could be a huge help to Federal immigration enforcement, and I agree with the GAO that the ICE ought to examine all of this, and its potential for use at the Federal level.

There are, of course, other important findings in this report, but I will stop here.

I look forward to hearing more today from the GAO, Attorney General Goddard, ICE, and the rest of today's witnesses.

At this time I yield back.

Mr. CUELLAR. I welcome our panel of witnesses at this time. Our first witness is Mr. James Dinkins. He is the executive associate director for homeland security investigations at ICE. Mr. Dinkins has direct oversight over ICE investigative and enforcement initiatives and operations targeting cross-border criminal organizations that exploit America's legitimate travel, trade, financial, immigration systems for illicit purposes. Mr. Dinkins, of course, manages a budget over $2 billion and is responsible for strategic planning.

We look forward to working with you. I believe you have been a law enforcement career, and it started off in 1986 with the U.S. Customs Service.

Our second witness——

Again, welcome.

Our second witness is Chief Michael Fisher—again, it is always a pleasure seeing you again—named chief of Border Patrol on May

7 of this year, serves as the Nation's highest-ranking Border Patrol agent and directs the enforcement efforts of more than 20,000 Border Patrol agents responsible for patrolling our Nation's border between the ports of entry.

Prior to his appointment he served as the chief border patrols there in San Diego, the San Diego sector, and first started his duty along the southwest border in 1987 in Douglas, Arizona.

So again, welcome very much today, Mr. Fisher.

Third witness is the attorney general for the State of Arizona, who has been the attorney general since 2003, Mr. Terry Goddard. As the State's top law enforcement officer, he is focused on reducing crime and taking action against illegal trafficking in drugs and arms and money and human beings, recently received the prestigious Kelley-Wyman award, the highest honor of the National Association of Attorney Generals.

Prior before becoming attorney general, you were elected mayor of Phoenix for four times from 1984 to 1990. Again, we want to welcome you here today, Mr. Attorney General.

Our fourth witness is Mr. Richard Stana, who is the director of the homeland security justice issues of the Government Accountability Office. He has been with us several times.

We thank you and GAO for the work that you all are doing.

He started his 33-year career with GAO, served in headquarters, field overseas offices, and has a wide understanding of the complex special military and domestic issues and recently directed the GAO's work related to immigration and border security issues. Again, he has received many GAO awards throughout his career, including the distinguished service award in 2005.

Mr. Stana, again, thank you very much. We appreciate what you and the GAO does—the work that you all do.

Our fifth witness is Ms. Janice Kephart, who is the director of national security at the Center for Immigration Studies.

Thank you very much for being here with us.

She was a border and I.D. security expert, who served counsel to the 9/11 Commission and was a key author of the Staff Monograph "9/11 Terrorist Travel" as well as the immigration-related facts and recommendations in the 9/11 Commission report.

Prior to 9/11 she was responsible for conducting investigations in counterterrorism issues and conducting oversight of the Immigration Naturalization Service as a counsel to the Senate Judiciary Subcommittee on Technology and Terrorism.

We want to welcome you and all the witnesses here.

Without objection, the witnesses' full statements will be inserted in the record, and I will ask the witnesses to summarize their statements for 5 minutes.

We will begin with Mr. Dinkins.

STATEMENT OF JAMES A. DINKINS, EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. DINKINS. Chairman Cuellar, Chairman Thompson, and Ranking Member Miller and other distinguished Members of the subcommittee, on behalf of Secretary Napolitano and Assistant Sec-

retary Morton, I thank you for this opportunity to discuss ICE's efforts in combating human smuggling. DHS as a department is at the forefront of this issue, and I am proud to be here today alongside Chief Fisher from the Office of Border Patrol to discuss this important issue.

Let there be no question about the commitment of ICE to ensuring that our borders are secured from transnational threats, and let there be no question of our commitment to combating the illegal flow of guns, drugs, as well as individuals coming here to do us harm in the United States.

Over the past several years, we have seen human smuggling organizations become more violent. There has been an increase in hostage-taking, extortion, use of firearms, and deadly rollover vehicle accidents involving smuggled aliens. To illustrate the disregard smuggling organizations often have for human life, I would like to provide you with a recent case example that initiated right here in the D.C. area.

The case started when the Fairfax County Police Department of Virginia received a frantic call from a woman stating that she had been contacted by smugglers, who had taken her brother hostage and were threatening to kill him. The woman explained that they were torturing her brother over the phone and demanded that she pay additional monies for his release.

ICE special agents in Washington, DC, were contacted, and their investigation led them to Houston, Texas. As a result of extensive coordination between special agents in Washington, DC, and Houston, and within 36 hours after receiving the initial information, our special agents obtained and executed search warrants with the assistance of Harris County Sheriff's Office in Texas. As a result we rescued the woman's brother and 10 other hostages, all of whom had been brutally assaulted.

While human smuggling is often linked to the southwest border, it impacts communities throughout our country. For example, in February we dismantled a Houston area illicit transportation network that provided smuggling organizations with domestic transportation services for undocumented aliens. Transportation routes originated in the Houston area, but extended throughout the country.

Named Operation Night Moves, this investigation successfully dismantled the transportation network, resulting in 24 criminal arrests, the seizure of 18 firearms, four bank accounts, 32 vehicles, and over $44,000 in U.S. currency.

Smuggling routes are constantly changing and requires Government law enforcement from ICE and domestic international partners to coordinate. One excellent example of our collaborative efforts with law enforcement partners is Operation In Plain Sight. This operation was the most comprehensive human smuggling investigation in ICE's history and dismantled the infrastructure of some of Arizona's most prolific and profitable human smuggling organizations.

The enforcement action involved more than 800 agents, officers from nine Federal, State, and local law enforcement agencies, as well as dozens of law enforcement personnel in Mexico. It involved coordinating the enforcement operations on both sides of the bor-

der, resulting in 61 criminal arrests, more than 500 administrative arrests, and the seizure of approximately 94 vehicles and $80,000 in U.S. currency.

ICE also confronts human smuggling organizations in partnerships with CBP and our law enforcement partners through our Border Enforcement Security Task forces. We currently have 17 BESTs, including 10 on the southwest border. I can assure you the BEST model is highly successful.

For example, between October 2008 and June 2010, the BESTs initiated over 390 human smuggling investigations Nation-wide, resulting in over 580 criminal arrests and over 360 convictions to date.

ICE is committed to combating human smuggling. Our efforts are part of a comprehensive strategy that focuses on securing the borders through identification, disruption, and dismantlement of cross-border criminal organizations.

Mr. Chairman and Representative Miller, on behalf of the men and women at ICE, I thank you for your commitment to border security and for your unwavering support of ICE's mission, and I look forward to answering any questions you may have.

[The statement of Mr. Dinkins follows:]

PREPARED STATEMENT OF JAMES A. DINKINS

JULY 22, 2010

INTRODUCTION

Chairman Cuellar, Ranking Member Miller, and distinguished Members of the subcommittee: On behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) efforts to investigate, disrupt, and dismantle criminal organizations engaged in human smuggling.

ICE's mission revolves around combating the cross-border smuggling of humans and a wide range of contraband including drugs, guns, and currency. ICE is the primary agency investigating human smugglers and smuggling organizations that frequently put the lives of aliens at risk, take hostages, and extort fees. Through our investigations, ICE aims to systematically disrupt and dismantle the international and domestic operations of criminal travel networks, identify and seize assets and illicit proceeds, as well as identify systemic vulnerabilities that could be exploited by criminal organizations to undermine our legitimate immigration system and border controls. The men and women of ICE accomplish the agency's mission by investigating a wide range of domestic and international criminal activities arising from the illegal movement of people, money, and goods within the United States, at our Nation's borders, and beyond our borders in collaboration with our international law enforcement partners.

Human Smuggling Generally

Human smuggling into the United States constitutes a significant risk to our National security and public safety. Human smuggling pipelines serve as conduits for undocumented aliens seeking unlawful entry into the United States. The smuggling of criminal aliens and gang members has a destabilizing impact on neighborhoods and communities across the United States. Moreover, these smuggling pipelines could potentially be exploited by terrorist and other extremist organizations seeking entry to the United States.

The investigation of human smuggling presents unique enforcement challenges. Human smuggling organizations are primarily based in foreign countries and depend on loose, but highly effective, transnational alliances. These alliances involve various operators, such as recruiters, brokers, document providers, transporters, and corrupt foreign officials, to exploit vulnerabilities in our and other nations' immigration and border controls. Recognizing these threats, ICE is committed to aggressive, innovative, and proactive investigations designed to identify, disrupt, and dismantle human smuggling organizations.

Over the past several years, human smuggling organizations have become more violent when interacting with smuggled aliens. There has been an increase in hostage-taking incidents, incidents of extortion by force or by threat of harm, use of firearms by human smugglers, and deadly roll-over vehicle accidents involving smuggled aliens. These developments are part of a disturbing trend and underscore the reason that ICE is aggressively combating these smuggling organizations.

Worldwide, the international criminal market is very lucrative for human smuggling organizations.[1] Profits are often generated outside of the United States and are laundered and invested in legitimate business enterprises that are then used to fuel additional criminal activity such as the trafficking of drugs, weapons, or other contraband. Moreover, these substantial profits feed organized crime activities, undermining governmental action and the rule of law.

The Department of State estimates that at any given time, there are hundreds of thousands of people around the world in the smuggling pipeline whose primary destination is the United States, and who are being warehoused by smugglers waiting for new routes to open up or for documents to become available.

ICE Human Smuggling Operations

In addition to the security and law enforcement implications, human smuggling presents real costs in human suffering. To illustrate the disregard smugglers often have for human life, I would like to provide you with a few recent case examples, each with a nexus to the Washington, DC metropolitan area, and each emphasizing that the effects of human smuggling are felt thousands of miles beyond the Southwest border.

In January 2009, ICE special agents in Phoenix contacted their counterparts in Washington, DC to request assistance in locating a caller who had contacted the DHS Tipline to report a hostage situation in the Phoenix area. Smuggled aliens are often held hostage in "drop houses" in border regions while the smugglers use threats, or actual violence, against them to extort additional fees out of their family members in the interior of the United States. In this case, ICE special agents in Washington located the caller, who was a family member of the individual being held, and obtained evidence through the use of innovative investigative methodologies, that enabled agents in Phoenix to locate a residence at which 21 individuals were being held hostage. As a result of this joint investigative effort, the hostages were rescued and six smugglers were arrested and charged with Federal alien smuggling offenses.

In August 2009, the Fairfax County, Virginia Police Department received a frantic call from a woman stating that she had been contacted by smugglers who were holding her brother hostage and threatening to kill him. The woman explained that they were torturing her brother over the phone to ensure she knew they were serious, and were demanding that she provide money to cover his smuggling fees. ICE special agents in Washington became involved and verified that the telephone calls were being made from the Houston area. As a result of extensive coordination between agents in Washington and Houston, which involved the use of sophisticated technical investigative techniques, ICE special agents obtained and executed a search warrant with the assistance of the Harris County, Texas Sheriff's Office within 36 hours. This led to the rescue of the woman's brother and 10 other hostages, all of whom had been brutally assaulted. ICE's investigative efforts also led to the arrest of three individuals on Federal charges of alien smuggling and hostage taking.

In May 2010, a representative from the Embassy of El Salvador in Washington contacted ICE special agents to report that three children were being held hostage in the Phoenix area, and that the parents resided in Washington. ICE special agents immediately responded and, working with the parents to gain vital information, initiated a criminal investigation to rescue the hostages. Through quick action and collaboration between agents in Washington and Phoenix, the three children and 16 additional aliens being held hostage were located and rescued in Arizona. As a result of ICE's investigation, three individuals were arrested on Federal charges of alien smuggling and hostage taking.

As these cases illustrate, smugglers often show a callous disregard for the lives in their charge. ICE's strategies, legal authorities, and innovative methodologies

[1] Human smuggling and trafficking in persons are distinct crimes. Human trafficking involves the use of force, fraud, or coercion for the purpose of forced labor or commercial sexual exploitation. While human trafficking victims may be smuggled into the United States, United States citizens, permanent residents, and others may be exploited by trafficking organizations. Human trafficking organizations exploit their victims in order to produce long-term profits for their criminal organizations.

have proven effective in identifying, disrupting, and dismantling the international criminal networks engaged in human smuggling. Last February, ICE completed a major investigation known as "Operation Night Moves," which targeted Houston-area transportation businesses that used vans and SUVs to provide smuggling organizations with domestic transportation services for undocumented aliens. The transportation routes originated in the Houston area and extended to destination cities throughout the country. These transportation companies often bought aliens from smuggling organizations, and then charged the aliens additional fees to be delivered to their final destinations. The companies operated under the guise of legitimacy in order to avoid scrutiny. Operation Night Moves dismantled the Houston-based transportation network resulting in 24 criminal arrests, 209 administrative arrests, the seizure of 18 firearms, 4 bank accounts, 32 vehicles, and over $44,000 in U.S. currency.

ICE also manages several initiatives designed to attack illicit smuggling organizations and the profits they generate. As part of ICE's "Cornerstone" initiative, our financial investigators partner with members of the financial and trade sectors. Through this initiative, ICE helps identify and eliminate vulnerabilities in their sectors that transnational criminal organizations—including human smuggling organizations—may seek to exploit to earn, move, and store their criminal proceeds. To date, the Cornerstone initiative has resulted in the initiation of over 800 criminal investigations, yielding over 300 arrests and the seizure of over $160 million. In March 2010, ICE also launched Project STAMP (Smugglers' and Traffickers Assets, Monies, and Proceeds), a concerted law enforcement project to: (1) Attack organizations involved in human smuggling and trafficking from an aggressive anti-money laundering stance; and (2) seize assets that are crucial to shutting down entrenched criminal activity.

ICE's International Presence

While human smuggling is often linked to the Southwest border, smuggling is, by definition, an international crime and not confined to any geographic region. The complexity of this problem demands a closely coordinated, comprehensive, and proactive international and domestic strategy. To that end, ICE has developed a full range of investigative and enforcement methodologies to confront the threat at every turn—in source and transit countries, at sea, at our Nation's borders, and throughout the United States.

Human smuggling takes place within a complex global environment of political and economic relationships. Smuggling networks often exploit border controls and immigration policies of source and transit countries to move individuals toward the United States. These routes are constantly changing and evolving based on political, economic, and law enforcement activities in source and transit countries, requiring an agile law enforcement response from ICE. To target these smuggling methods and routes, ICE and the Department of Justice formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006.

This initiative combines investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based criminal travel networks—particularly those involved in the movement of aliens from countries of National security concern. Through our network of Attachés located in U.S. embassies around the world, we work in close coordination with the Department of State and our foreign law enforcement counterparts to coordinate these complex international investigations.

The ECT Strike Force program is a critical component of ICE's strategy to build a layered defense by combating human smuggling organizations as far from the U.S. border as possible, and by preventing the arrival of unlawful migrants, thereby expanding our zone of security. ECT Strike Force-designated investigations are intelligence-driven, and support the principles and vision outlined by National security experts cited in reports such as the 9/11 Commission Report, the National Counterterrorism Center's National Strategy to Combat Terrorist Travel, and the Migration Policy Institute's Countering Terrorist Mobility Report.

ICE recognizes the importance of conducting transnational human smuggling investigations in order to identify and counter the threat these organizations pose to the United States. To that end, ICE is collaborating with the Department of Justice to explore ways to enhance and expand the ECT program to best leverage our collective resources to proactively identify, disrupt and dismantle emerging human smuggling pipelines as far from the borders of the United States as possible. The success of these investigations is predicated on close coordination between ICE domestic and Attaché offices, the Department of Justice, other U.S. Government agencies, and our foreign government partners, particularly their law enforcement and prosecutorial agencies. ICE is committed to devoting resources and continually improving internal

efficiencies to ensure that the ECT program is effective in targeting the most significant transnational human smuggling threats to the United States.

A recent example of ICE's efforts to address this threat is the December 2009 arrest of a major maritime smuggler, based in Colombia, responsible for the movement of many East Africans destined to the United States. This arrest was the result of on-going cooperation between Colombian authorities, ICE special agents in Bogota, Colombia and Washington, DC, and the Department of Justice. The target of this investigation was recently convicted by the Colombian government and has been sentenced to 90 months imprisonment for violations related to human smuggling, document fraud, and conspiracy. This investigation exemplifies the impact of ICE's international investigative approach to human smuggling, and the critical role played by ICE Attaché offices.

There is a significant amount of information and intelligence available on human smuggling organizations that indicate that they operate in a coordinated fashion by using a large number of criminal associates, contacts, and facilitators along established smuggling routes into the United States, Europe, South Africa, and other developed countries. A coordinated response is imperative to ICE's ability to effectively identify, disrupt, and dismantle these criminal operations and organizations.

Collaboration with International Partners

Combating international crime requires that we collaborate with international partners. One example of this collaboration is "Operation In Plain Sight," an investigation targeting Arizona transportation companies involved in the smuggling and transportation of aliens throughout Arizona and the rest of the United States. This operation, which was the most comprehensive human smuggling investigation in ICE's history, disrupted the infrastructure of some of Arizona's most prolific and profitable human smuggling organizations that were attempting to hide behind a veil of legitimacy.

The enforcement action, involving more then 800 agents and officers from nine Federal, State, and local law enforcement agencies was the culmination of a comprehensive, multi-year investigation that expanded well beyond its initial focus on several Tucson-based shuttle companies. The investigation was an example of ICE's unprecedented cooperation with Mexican law enforcement authorities, and implicated high-level members of human smuggling organizations in Phoenix, Tucson, Nogales, and northern Mexico that were serviced by the transportation network. The operation ultimately resulted in 61 criminal arrests, more than 541 administrative arrests, the execution of 32 search warrants, and the seizure of approximately 94 smuggling vehicles and nearly $80,000 in U.S. currency. This investigation significantly disrupted the ability of human smuggling organizations to operate in southern Arizona.

Border Enforcement Security Task Forces (BESTs)

ICE also confronts human smuggling organizations in partnership with U.S. Customs and Border Protection (CBP) and our State, local, and Federal law enforcement partners through the ICE-led Border Enforcement Security Task Forces (BESTs). BEST is a law enforcement model, which recognizes that confronting the multifaceted threat of cross-border criminal activity requires sharing resources, information, and expertise. BESTs serve as a platform from which interagency and international partners can work together to address all aspects of cross-border crime. The BESTs that currently exist on our land borders and in major maritime port cities incorporate personnel from ICE, CBP, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation, the U.S. Coast Guard, and the U.S. Attorney's Offices, along with other key Federal, State, local, and foreign law enforcement agencies. ICE currently has a total of 17 BESTs, including 10 on the Southwest border. Our BESTs in El Paso and Phoenix have specifically dedicated investigative groups focusing on the disruption and dismantlement of human smuggling organizations, in order to address the threats posed by human smugglers in these high-threat smuggling corridors.

The BEST model has been highly successful. ICE, with the help of our law enforcement partners, has disrupted smuggling operations in both the United States and Mexico. From October 2008 through June 2010, the BESTs have initiated 396 human smuggling investigations Nation-wide resulting in 582 criminal arrests, 291 indictments, and 361 convictions.

CONCLUSION

ICE agents are working tirelessly to identify, disrupt, and dismantle smuggling organizations that subvert the rule of law, violate our immigration system, desta-

bilize our communities through violence and fear, and threaten our National security. The initiatives and investigations that I have mentioned today are only a few of the many in which ICE has been involved throughout the past year. ICE commits substantial resources to address the threat posed by human smuggling.

Working in close coordination with our partners, our efforts are part of a comprehensive strategy that focuses on securing the border, taking down the infrastructure that supports smuggling, and identifying and seizing the illicit profits from these crimes. ICE is dedicated and committed to this mission and we look forward to working with this subcommittee and the full committee on these efforts.

Thank you once again for the opportunity to appear before you today. I would be pleased to answer any questions that you may have at this time.

Mr. CUELLAR. Mr. Dinkins, thank you again very much for your testimony.

The Chairman now recognizes Chief Fisher to summarize his statement for 5 minutes.

STATEMENT OF MICHAEL J. FISHER, CHIEF OF THE BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Chief FISHER. Thank you. Chairman Cuellar, Chairman Thompson, Ranking Member Miller and distinguished Members of the committee, it is indeed a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection's efforts concerning alien smuggling on our Nation's border.

As America's front-line border agency, CBP's priority mission is to protect the American public while facilitating lawful trade and travel. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of the people and goods entering the United States.

This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends Arizona's security outward, making sure that our physical border is not the first or last line of defense, but one of many.

CBP's layered approach to security relies on a combination of manpower, technology, infrastructure and a new way of thinking. Personnel provide a rapid response capability by being able to deploy agents to address threats. Tactical infrastructure supports response by providing access to the Border Patrol or extending the time that agents have to respond by delaying criminals. Technology allows us to detect entries and to identify and classify those threats.

Now, over the past few, we have significantly strengthened each of these three major elements—personnel, technology, and infrastructure. Currently, we have over 20,000 Border Patrol agents Nation-wide, more than ever before in the history of this country.

As of July 1 of this year, we have constructed nearly all of the fencing that Congress has requested us to build. We have completed 646 miles, with about 5 miles to be completed this year along the southwest border.

We have greatly improved our technological profile, purchasing and deploying 41 mobile surveillance systems—those are the MSSs—which provide added radar and camera coverage along our borders, with plans to purchase additional off-the-shelf technology this year and next.

CBP also recently received approval to increase the miles of airspace available for unmanned aircraft system operations performed

by the Office of Marine Division within CBP, which would enable CBP to deploy UASs from the eastern tip of California, extending east across the border into Texas.

We have significant results to show for these initiatives. During the first months of fiscal year 2010, CBP seized nearly 2.8 million pounds of drugs, encountered arrested over 520,000 inadmissible and illegal aliens, and seized more than $64 million in currency. Compared to previous years, CBP has seen an overall apprehensions of illegal aliens decrease significantly from our highest point, over 1 million apprehensions just 10 years ago.

We are not, however, resting on these successes. Alien smuggling is one of the many enduring challenges along the southwest border that CBP continues to combat. Along our Nation's borders, CBP has the primary responsibility to attack these challenges in ways that are smart, tough, and strategic. Defeating transnational criminal organizations that smuggle aliens and drugs is a top priority for CBP, and we continue to develop effective strategies to disrupt and dismantle their organizations and distribution networks.

I want to thank you again for this opportunity, and I look forward to your questions.

[The statement of Chief Fisher follows:]

PREPARED STATEMENT OF MICHAEL J. FISHER

JULY 22, 2010

INTRODUCTION

Chairman Cuellar, Ranking Member Miller, and distinguished Members of the committee, it is a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts concerning alien smuggling along our Nation's borders. I am Michael J. Fisher, Chief of the United States Border Patrol.

As America's frontline border agency, CBP's priority mission is to protect the American public, while facilitating lawful travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of the people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, making sure that our physical border is not the first or last line of defense, but one of many.

CBP's layered approach to security relies on a combination of manpower, technology, and infrastructure to confront transnational criminal organizations. Personnel provides a rapid response capability by being able to deploy agents, as needed, to address vulnerabilities. Tactical infrastructure supports response by providing access to the Border Patrol, or extending the time that agents have to respond by delaying criminals. Technology allows us to detect entries and to identify and classify threats.

Over the past year, we have significantly strengthened each of the three major elements—manpower, infrastructure, and technology. Currently we have over 20,000 Border Patrol Agents Nation-wide, more than ever before in the history of the country. As of July 1, 2010, we have constructed nearly all of the fencing that Congress has requested us to build—we have completed 646 miles along the southwest border, with about 5 miles to be completed this year. We have greatly improved our technological profile, purchasing and deploying 41 mobile surveillance systems (MSSs) to provide added radar and camera coverage along the borders, among other technologies, with plans to purchase additional off-the-shelf technology in fiscal year 2010 and fiscal year 2011. CBP also recently received approval to increase the miles of airspace available for Unmanned Aircraft System (UAS) operations performed by the Office of Air and Marine (OAM) along the southwest border, enabling CBP to deploy UASs from the eastern tip of California extending east across the border into Texas.

We have significant results to show for these initiatives. During the first 9 months of fiscal year 2010, CBP seized nearly 2.8 million pounds of drugs, encountered and arrested over 520,000 inadmissible and illegal aliens, and seized more

than $64 million in currency. Compared to previous years, CBP has seen the overall apprehensions of illegal aliens decrease significantly, from our highest point of over 1 million apprehensions in fiscal year 2000, indicating that fewer people are trying to cross the border.

We are not, however, resting on these successes; alien smuggling is one of many enduring challenges along the southwest border that CBP continues to combat. Along our Nation's borders, CBP has the primary responsibility to attack these challenges in ways that are smart, tough, and strategic. Defeating transnational criminal organizations that smuggle aliens and drugs is a top priority for CBP and we continue to develop effective strategies to disrupt and dismantle their organizations and distribution networks. Today I will describe in detail some of the programs that CBP has in place to address this issue specifically.

NEW RESOURCES ON THE SOUTHWEST BORDER

President Obama recently requested $600 million in supplemental funds for enhanced border protection and law enforcement activities, and announced the deployment of up to 1,200 National Guard troops to the Southwest border to contribute additional capabilities and capacity to assist law enforcement agencies.

These additional resources will enhance the ability of CBP and our partner agencies to execute our missions, including combating alien smuggling. The supplemental funding would allow CBP to hire an additional 1,000 Border Patrol agents and 30 CBP officers, create 20 new canine teams, and launch two new UASs. In addition, the deployment of 1,200 National Guard personnel to the southwest border will aid CBP agents and officers on the ground, providing critical surveillance support to CBP's counter-smuggling operations, as CBP recruits and trains additional officers and agents to serve on the border in the long term. Along the southwest border, the National Guard has had an integrated effort with a counternarcotics mission for over two decades, with 300 National Guard troops already working with interagency partners. Although not a part of the supplemental request, an additional $100 million of existing CBP resources shall be repositioned to higher priority replacement and repair of fences to enhance physical infrastructure along the Southwest border.

In addition, CBP and other DHS components are dedicating additional resources to the Tucson Sector along the Arizona border, which has become a particularly busy corridor for smuggling activity. As part of this deployment of resources, over 300 additional Border Patrol agents and CBP officers will be deployed to the Tucson Sector, in addition to technological assets such as six CBP aircraft (which include four Astar light observation helicopters and two Huey Medium lift/utility helicopters), 36 thermal imaging binocular units, and three trucks equipped with detection scopes. These deployments will strategically increase the resources available to counter smuggling in the busiest smuggling corridors.

OFFICE OF ALIEN SMUGGLING INTERDICTION (ASI)

Within CBP, OFO's Office of Alien Smuggling Interdiction (ASI) works to deter, detect, and disrupt illegal migration to the United States and increase criminal prosecution of smugglers and human traffickers. ASI has created a structure to share information regarding migrant smuggling, trafficking in persons, and clandestine terrorist travel within CBP as well as with other law enforcement agencies. In cooperation with the Human Smuggling Trafficking Center and the National Targeting Center, ASI focuses on migratory trends, specifically human smuggling and trafficking-related issues. ASI coordinates alien smuggling interdiction efforts between multiple components including Passenger Analysis Units, Regional Carrier Liaison Groups (RCLG), Immigration Advisory Program (IAP) and the Fraudulent Document Analysis Unit to increase CBP's effectiveness in identifying, analyzing, assessing, and responding to migrant smuggling threats. In addition, ASI actively promotes a National public awareness campaign at POEs aimed at identifying cases of human trafficking through the distribution of multi-lingual information cards and posters at all CBP POEs. To assist suspected victims of trafficking, CBP Officers use a subtler approach by discreetly providing an information card directly to the traveler.

In conjunction with ASI, and under ASI oversight, RCLGs comprised of specially-trained CBP officers were established and operate out of the Honolulu, Miami, and New York airports. RCLGs provide real-time worldwide response to human smuggling and trafficking by providing points of communication and coordination between carriers, immigration authorities, and other DHS entities. They employ advanced targeting techniques and utilize intelligence shared by carriers and other liaisons, to identify inadmissible aliens prior to boarding U.S.-bound flights from for-

eign ports of departure. The RCLGs also work in conjunction with CBP's National Targeting Center to identify and deny boarding to passengers that are a potential security threat or inadmissible to the United States.

PARTNERSHIPS WITH THE GOVERNMENT OF MEXICO

The Border Patrol has collaborated with the government of Mexico on a number of bilateral initiatives to combat alien smuggling. Programs include the Operation Against Smugglers Initiative on Safety and Security (OASISS), the Mexico Interior Repatriation Program (MIRP), the Alien Transfer Exit Program (ATEP), Border Safety Initiative (BSI) and Humanitarian Campaigns. These programs are focused on prosecuting offenders, breaking the smuggling cycle, and saving lives. Collectively, they aid in the overarching effort to improve the safety and security of the border.

OPERATION AGAINST SMUGGLERS INITIATIVE ON SAFETY AND SECURITY (OASISS)

OASISS is a bi-national coordinated effort designed to prosecute alien smugglers through the Mexican judicial system when the smuggler does not meet prosecutorial guidelines set by the U.S. Attorneys Office. Conducted in cooperation with Mexico's Attorney General's Office (PGR), through OASISS, select alien smuggling cases that are declined by United States Attorney's Offices are subsequently turned over to the government of Mexico for prosecution under Mexico's judicial system. Since its inception on August 17, 2005, the OASISS program has generated 2,122 cases and led to 2,435 principals being presented to Mexico for prosecution.

MEXICO INTERIOR REPATRIATION PROGRAM (MIRP)

The Mexican Interior Repatriation Program is a joint CBP and Immigration and Customs Enforcement (ICE) initiative established in coordination with the government of Mexico. Under the MIRP, aliens apprehended from high-risk areas of the Sonora Desert during the peak summer months are voluntarily repatriated to the interior of Mexico, closer to their homes or points of origin. MIRP is designed to break the smuggling cycle by removing participants from the immediate control of smuggling organizations, and also serves as a deterrent to entering the high-risk area of the Sonora Desert. MIRP prioritizes the humane treatment of detainees throughout the removal process and reflects our mutual commitment to strong and effective enforcement of both nations' immigration laws.

While ICE is the lead agency for MIRP, the Border Patrol is responsible for processing and screening eligible participants, providing transition centers, and medically screening participants to fly on ICE-chartered flights. MIRP 2010 began on June 1, and during the month of June, 7,697 Mexican nationals were returned to the interior of Mexico.

ALIEN TRANSFER EXIT PROGRAM (ATEP)

ATEP is an on-going program that supports the concept of "breaking the smuggling cycle" by allowing for the transportation of aliens out of an apprehending Border Patrol Sector for subsequent removal to Mexico through an adjacent sector. The program is designed to deny, disrupt, and dismantle the ability of alien smuggling organizations operating in the participating sectors, by separating aliens from organized smugglers and establishing consequences for illegal entry. ATEP was initiated by the San Diego, Yuma, and El Centro Sectors in February 2008 and has since expanded to Tucson and El Paso. As of June 30, 2010, a total of 73,266 detainees have been removed via ATEP.

BORDER SAFETY INITIATIVE (BSI)

The Border Patrol's Border Safety Initiative's (BSI) focused on reducing injuries and preventing deaths along the southwest border, many of which are linked to human smuggling. The Border Patrol's Search Trauma and Rescue (BORSTAR) teams are located at every Border Patrol Sector along the southwest border, and are specially trained for rescue and emergent medical situations. Additionally, there are agents cross-trained as Emergency Medical Technicians or First Responders who act as a force multiplier, enhancing our medical proficiency capabilities. In fiscal year 2009, the Border Patrol recorded 1,312 rescues along the border. Additionally, 64 Rescue Beacons have been erected in strategic locations to enable illegal aliens to contact the Border Patrol when they are in distress and need medical assistance. Lastly, Public Service Announcements are broadcast in Mexico, warning of the dangers of illegally crossing the border as well as dangers posed by smuggling organizations.

HUMANITARIAN CAMPAIGNS

The Border Patrol has two humanitarian campaigns underway aimed at educating potential migrants from Mexico and Central America regarding the threats that endanger human life when illegally crossing the southwest border and the dangers of human trafficking. "No Más Cruces" (No More Crosses on the Border) and "No Te Engañes" (Don't Be Fooled: You Could Be the Victim of Human Trafficking) demonstrate our commitment to helping those who may unknowingly find themselves in a situation where they are being exploited by smugglers and transnational criminal organizations. The campaigns, which run in various media outlets, consist of television ads, radio ads, and billboards, as well as grassroots marketing initiatives.

CONCLUSION

Chairman Cuellar, Ranking Member Miller, and distinguished Members of the committee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and particularly about our efforts concerning alien smuggling. The border is a dynamic environment and we will continue to strive to meet the demands of today as well as face the challenges of tomorrow. I look forward to answering your questions at this time.

Mr. CUELLAR. Recognize Mr. Goddard to summarize his statements for 5 minutes.

STATEMENT OF TERRY GODDARD, ATTORNEY GENERAL, STATE OF ARIZONA

Mr. GODDARD. Thank you, Mr. Chairman. Chairman Cuellar, Chairman Thompson, Ranking Member Miller, and Members of the committee, likewise for me, it is a pleasure and an honor to be able to address you with this distinguished company and on an issue that is just critical to my State, Arizona, and to the southwestern border. I appreciate your time and attention to this matter.

As I am sure the committee knows, Arizona has an unfortunate distinction. We are a corridor State. Approximately one-half of the drugs and human beings that are illegally smuggled into the United States comes through our borders or through our State. As the attorney general for the last 7½ years and Arizona's top law enforcement official, it has been my priority to go after and fight border crime, especially alien smuggling, so I am particularly pleased to see you address this subject today particularly.

I would like to talk to little bit about the lessons that we have learned in fighting human smugglers and how I believe Congress can be of significant assistance in zeroing in on the problem and giving us some important resources to do something to move the bar.

The Chief left a minute and a half on the table. Can I take that as well? Thank you, Mr. Chairman. I will try not to.

My strategy has been very simple; the Chairman mentioned it in his opening remarks. It is to follow the money. We are very money conscious in the State of Arizona, and the illegal profits from drug trade, from human smuggling have been our No. 1 objective. We have been able through a number of techniques to disrupt the flow of funds illegally going out of the country and to seize assets that have been used by the smugglers.

This approach has been very successful in Arizona at breaking up smuggling rings, and I recommend it to the country, something that they could take advantage of. I appreciate GAO analyzing parts of our efforts and making some recommendations to ICE along that line.

Unfortunately, misstatements abound about the southern border, and I think we need to focus on the facts. They are bad enough. As the Justice Department said last year, the drug cartels constitute the greatest organized crime threat to the United States. I certainly agree. They are definitely the most immediate threat to the security of my State of Arizona.

Although violent border crime on the Arizona side of the border is down, and I think that sometimes gets lost in the rhetoric that we have about these issues, we know that serious crime and violent crime have skyrocketed in Mexico. That certainly is reason for concern.

Over the past 8 years, investigators from my office, along with our law enforcement partners, have investigated wire transfers that profit that are used to pay for human trafficking. We have learned an awful lot about that, and I am not going into the details unless there are questions. But I think the bottom line is that we have been able to distinguish between the massive amount of legitimate wire transfers going across the border and the corrupt ones that deal specifically with human smuggling.

We have used some very specific law enforcement techniques—damming warrants, geographical targeting borders, and other aspects of our anti-racketeering laws to seize wire transfers as they are made, to disrupt the operation. We have gone from hundreds of millions of dollars being wired into the State of Arizona to virtually nothing today. So I know we have disrupted it, but we need to expand that effort.

We basically have been able to find investigative leads through our efforts and have therefore been able to close drop houses, to learn how the smugglers work, and to apprehend many of the aspects of their operations.

We have seized approximately $20 million in cartel assets. We have arrested hundreds of human smugglers and corrupt money wire agents. We have seized used car lots, travel agencies, and drop houses. We have shut down 22 businesses engaged in money laundering.

Just this year we reached a very important agreement with Western Union, the largest money wire company in the world. From that we are going to get important data that has been denied us in the past, and $94 million, approximately, to help fight the crimes on the border. Fifty million of that is going to be a specific fund for State and local law enforcement in the four Border States. I believe that is a great step forward in our efforts to fight border crime. It is not enough, but it is a very good start.

I have five items that I would like to in 35 seconds talk to Congress about being of a major help to us in stopping and dismantling the alien smuggling. I would just summarize them. I would be happy to go into greater detail.

The first one is to target the drug cartels. We need to focus to operations. The great work that is being done by ICE and Border Patrol, I believe, needs to go further and absolutely go after the criminal organizations that make it possible for human beings to come across a very difficult border.

Second, go after the money. That, I think, is fundamental. These are business operations that we are talking about here. They de-

pend upon their income. People do not work for the cartels because they love the work. They do not work because they were religious zealots. They do it because they are very well paid. If we can cut off the money flow, we will do more than anything else, I believe, to stop the violence that we have on the border.

Third, please follow Arizona's lead. We have spent over 8 years working to perfect the details of how to find the illegal money operations. We know how to do it. Our Federal partners have been in and out of the partnership, but we encourage a far greater effort to try to stop the wire transfer movement of money illegally cross the border.

Very quickly, fourth and fifth, anticipate the next moves. I would like to go into, if we had time, some of the things I think the cartels are about to do in terms of moving money, but the most important is stored value instruments. Now, Congress has demanded that Treasury and others come up with regulations for the movement of money through stored value instruments across the border. It still hasn't happened. It has been way too long that this very large hole has existed in our international money transfer operations, and it needs to be closed immediately.

Fifth, we need resources. I would suggest at the very beginning that Congress think of matching our $50 million that we put on the table now for State and local with at least another $50 million of Stonegarden funds to help us expand the reach and to go after these border crimes.

I thank you very much for your time and attention today.

[The statement of Mr. Goddard follows:]

PREPARED STATEMENT OF TERRY GODDARD

JULY 22, 2010

Mr. Chairman, Members of the committee, it is an honor to appear before you today to give my perspective on alien smuggling and criminal cartel operations along the Southwest border. It is important to be clear at the outset that alien smuggling operations are just one of a diverse line of businesses operated by the Mexican criminal cartels, which I consider the most immediate and serious threat to the security of the Southwest border. For this reason, before getting into the specifics of alien smuggling, it is important to understand the broader scope of the cartel problem.

CARTEL VIOLENCE

As I am sure you are aware, the level of violence from the Mexican cartels has been accelerating for nearly a decade. But what we have seen in the last 3 years is an alarming increase in open, brazen, and deadly violence just south of our border. I stress south to dispel any suggestion that Arizona itself is a dangerous place for law-abiding people. It is not. In fact, violent crime within our State has dropped nearly 20 percent in the last 5 years. People who suggest otherwise, either purposefully or naively, are misinformed and further confuse an already complex situation.

Nevertheless, in Mexico, the cartels have killed more than 22,700 people since 2007. This alarming level of violence warrants much more serious attention from our country than it has received. To appreciate the scale of this carnage, it is useful to compare the recent death tolls in Mexico with those in actual war zones:

- Mexican cartel killings in the last 3 years alone exceed the combined number of Afghan troops, American troops, coalition troops, and civilians killed during the entire 9-year course of the Afghan war.
- Cartel killings in Mexico are also more than five times the number of American soldiers lost in 9 years in Iraq.

Of particular concern to border States like Arizona, this problem is worse in Mexican border towns:

- Killings in Juarez, Chihuahua (directly across from El Paso) are over 750 percent higher than the Mexican national average.
- In Nogales, Sonora—a significant port of entry for U.S.-Mexican trade and the counterpart to our own Nogales, Arizona—killings in 2010 are on a pace to shatter last year's record breaking murder rate there.

Equally disturbing are the attacks on Mexican democracy and law enforcement:

- Just last month, the leading gubernatorial candidate in Tamaulipas and several members of his staff were assassinated.
- Those killings came on the heels of the attempted assassination of the Police Chief of Puerto Penasco, a popular destination for Arizona tourists.

But lest you think this is simply a border problem, the Department of Justice believes the cartels have active business operations in over 200 cities throughout the United States.

ARIZONA'S RESPONSE

As Arizona Attorney General, the fight against cartel crime has been a top law enforcement priority. My strategy has been to follow the money—the flow of cash that finances cartel operations. When possible, we have intercepted suspicious wire transfers and seized cartel assets.

My office has been particularly successful using this approach to break up human smuggling rings. Over the last 8 years, we have demanded access to a host of wire transfer transactions involving Arizona. When we analyzed the data, we saw obvious patterns that helped us quickly distinguish between legitimate wire transactions and suspicious ones that were likely tied to payments to coyotes (the people who transport persons illegally across the border) for human smuggling.

For example, until recently, most legitimate wire transfer companies in Arizona wired more money out of Arizona than into it. This is because throughout most of the last two decades, the majority of wire senders were new or temporary workers who came to Arizona in good economic times and wanted to wire portions of their pay either back home to their families or to creditors. As a result, most of the person-to-person wires in the State involved small amounts of money—usually between $100 to $200.

As we started to investigate human smuggling drophouses and looked at how the smugglers were getting paid through wire transfers, we saw distinct patterns. At certain wire transfer locations—mostly agents of Western Union—we saw unusual levels of money being transferred to a single location in larger than average transactions. In contrast to the vast majority of legitimate businesses that sent more money out of State than they received, at these corrupt locations money was coming in at rates up to 100 times higher than it was going out. For instance, in 2005 a single location in central Phoenix received and paid out over $12.8 million in person-to-person transactions in excess of $500 each.

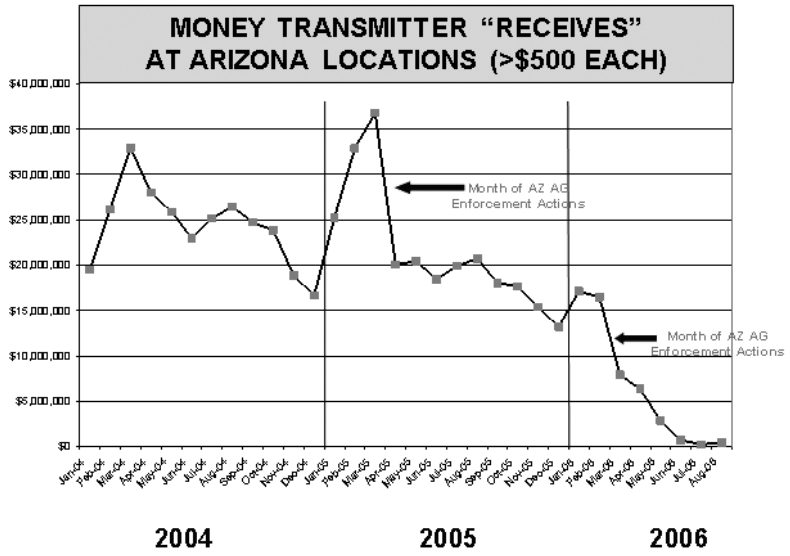
When we tracked these transactions more closely, we confirmed that the recipients of these wires were coyote agents. Upon receiving the wire transfer, agents would return to a drop house and release a smuggled alien.

Using damming warrants and other judicial tools under our State anti-racketeering laws, we began to seize these criminal transfers as they were made, thereby disrupting the flow of cash to the smuggling cartels.

The results were startling. In 2 years, we:

- Seized approximately $20 million in cartel assets;
- Arrested hundreds of coyotes and corrupt money wire agents; and
- Closed down 22 facilitating businesses that were laundering money generated from alien smuggling.

More significantly, our efforts were effective at disrupting the wire transfers to the cartels. As shown on the graph below, after 2 years of aggressive actions by my Office, suspicious wire transactions into Arizona dropped over 90 percent.



To better appreciate this graph, it is important to understand the seasonal nature of human smuggling through the Sonoran desert into Arizona. Persons seeking work in the United States are more likely to attempt to cross the desert in the winter and early spring when temperatures are cooler. Crossings tend to be lower in the hot and dry summer months. Northbound crossings also tend to drop late in the year when many workers return to their families for the holiday season. This seasonal pattern results in what law enforcement refers to as the "coyote curve," and can be seen in the level of money wire transfers in 2004, before we escalated our actions.

My office's damming warrants and asset seizures occurred primarily in February, 2005, and February, 2006. As the graph shows, we dramatically reversed and ultimately ended suspicious money transfers into Arizona.

Unfortunately, the cartels are nimble, and they responded quickly to law enforcement action. After Arizona cracked down on suspicious wire transfers, the cartels changed their business model and started asking sponsors of smuggled persons to wire smuggling fees to cartel agents just south of the Arizona border and outside of our office's jurisdiction. Upon confirming receipt of the funds telephonically, the coyotes would then release the smuggled person.

WESTERN UNION SETTLEMENT

Which brings me to my office's recent and historic settlement with Western Union.

During and after the time we were executing our damming warrants, we continued to try to work with money transmission companies, including Western Union, to enlist their help in stopping the flow of money wired to the cartels. Unfortunately, these efforts were not always successful. We found ourselves repeatedly in court with Western Union in particular.

In February of this year, however, I reached a milestone settlement with Western Union. The company pledged $94 million in new private sector resources for the fight against border crimes, especially money laundering.

The settlement included $21 million to cover Arizona's lengthy and extensive investigation and litigation costs; $19 million in new Western Union anti-money laundering initiatives; $4 million for a court-appointed monitor to ensure Western Union complies with the settlement terms and to recommend improvements in Western Union's AML programs; and, most significantly, $50 million to fund a four-State Southwest Border Anti-Money Laundering Alliance aimed at attacking border crime.

Western Union also agreed to provide Arizona and the other border States' law enforcement with unprecedented near-real-time access to data on wire transfers along the—border, including certain locations deep into Mexico. This means that we

can now track more of the payments between sponsors and the alien smuggling cartels.

I am especially pleased that once we settled with Western Union, the other money wire companies voluntarily agreed to provide us with the same data. We can now be confident in our ability to track significant wire transfers within the southwest border area. The initial data we have received promises a rich field of investigative leads. We are working with ICE, CBP, DEA, IRS, and local law enforcement throughout the border region to penetrate as deeply as possible into the cartel structure.

PARTNERSHIP WITH MEXICAN LAW ENFORCEMENT

Our country cannot successfully fight Mexican drug cartels alone. We need a stronger and more effective Mexican law enforcement partner. In this regard, we have recently enjoyed much better cooperation with the Mexican government. The week after our settlement with Western Union, I traveled to Mexico City to meet with Mexican Attorney General Arturo Chavez Chavez and other leaders in the Mexican Justice Department. I also met with leadership from the SSP, the federal police, and the Mexican Congress. I explained to them how we had been able to follow and disrupt the flow of money to the cartels, as well as the importance of disrupting that flow in the fight to dismantle their operations.

I left my meetings in Mexico with renewed confidence that the Calderón administration recognizes the threat that cartel warlords pose to the rule of law in Mexico and even to the success of democracy there. I am convinced that leadership within the Calderón administration is genuinely committed to intensifying the fight against the cartels.

Indeed, several recent cooperative actions between U.S. and Mexican law enforcement give me hope for the future of joint bi-national law enforcement actions. First, using Meridá Initiative funds, my office has helped train over 400 Mexican state and federal prosecutors as that country works to improve its low criminal conviction rates. Working with fellow members of the Conference of Western Attorneys General, we have trained a total of 1,200 Mexican prosecutors.

Moreover, the flow of case-specific information between our countries has improved and is starting to bear real fruit. For example, in April, I joined Under Secretary of Homeland Security John Morton and United States Attorney Dennis Burke in announcing Operation Plain Sight, which resulted in the arrests of 47 members of a human smuggling ring operating on both sides of the Arizona-Mexico border. The simultaneous arrests of the kingpins of these operations in Mexico and Arizona would not have been possible without our new, strong, and highly productive relationships with Mexican law enforcement that is genuinely committed to fighting the cartels.

EXPANSION OF THE CARTEL THREAT

I caution again, however, that the cartels are very quick to adapt. Like any successful organized crime enterprise, they are on the prowl for new business opportunities. Recent reports from Mexico suggest that the cartels are diversifying their business operations and posing a more serious and immediate threat to international commerce. In the last year, the cartels have engaged in increasingly brazen criminal acts directed at international trade, including siphoning significant amounts of oil from pipelines, hijacking trucks carrying international cargo, and buying multinational trading companies to help launder their profits. These new criminal activities target the international business community and expand the cartels' reach, making them more difficult to attack.

THE NEED FOR A STRONGER FEDERAL RESPONSE

As I stated in a letter to the President earlier this month,[1] cartel crime warrants much more Federal attention and response than it has received to date. I agree with Attorney General Holder that the cartels pose "a national security threat." Indeed, I would go further: The growth in cartel size, strength, sophistication, and brutality is the most immediate actual threat to the security of Arizonans and many other Americans.

While I believe that leadership within the Departments of Homeland Security and Justice understands this threat, dismantling the cartels has not been raised high enough as a National priority.

[1] A copy of Attorney General Goddard's July 8, 2010 letter to President Obama is attached to this written testimony as Exhibit 1.

Despite the staggering levels of cartel violence immediately across our border, the cartels' demonstrated ability to penetrate our border defenses, and the direct threat that cartel power poses to trade with the United States, Federal spending on the fight against the cartels remains well less than 1 percent of our National spending on the wars in far-away Afghanistan and Iraq.

I have called upon the President to launch a major, multi-national, law enforcement initiative aimed first and foremost at identifying cartel warlords and bringing them to justice by every means available. Only through coordinated effort of the Departments of Justice, Homeland Security, and Treasury, working closely with State and local law enforcement and the criminal justice forces in Mexico, can we hope to prevail.

Breaking up these cartels and restoring the rule of law within Mexico would not only bring better security to the border region, but also would greatly assist Mexican efforts to stabilize their economy and improve the conditions that compel so many Mexican citizens to seek work illegally in the United States. It would also restore safety and confidence to the many legitimate businesses (including tourism and agriculture) that seek peaceful trade between the United States and Mexico.

Our Government unquestionably has the capability to bring the cartel warlords to justice. It is imperative that this Congress provide Federal agencies and law enforcement on both sides of the border with the resources to defeat the cartels. Current Federal funding targeting cartel operations is a tiny fraction of the profits the cartels are making from illegal activities.

I believe Congress should develop both short- and long-term responses. In the short term, Congress should help Arizona and the other southwest border States in our efforts to disrupt cartel operations that cross into our country. Specifically, I ask you to fund a dollar-for-dollar Federal match of the border law enforcement grants awarded by the Southwest Border Anti-Money Laundering Alliance. The Alliance was created as a result of my settlement with Western Union. As I mentioned, the Alliance currently has $50 million from Western Union to award to State and local law enforcement grants to combat border crime. That amount will be helpful, but it pales in comparison with the cartels' resources. A Federal match would immediately double the Alliance's effectiveness and provide immediate help in combating the cartel threat.

In the longer run, I urge the Congress to adopt and fund a much more substantial campaign against the cartel threat than what we see today. We must specifically identify cartel warlords, attack them with no less than the intensity applied to mafia kingpins in the 1920s, and ensure that Mexican law enforcement and military have the tools they need to capture them, bring them to justice, keep them in prison, and dismantle their organizations.

We must anticipate the cartels' next moves, which are expected to include money laundering through international ATM locations and the use of new devices, such as stored value instruments and cards, to transport large sums of money across our border.

I have called on Treasury to enact regulations requiring people who transport stored value devices across international borders to declare the amounts on the cards, just as they declare any bulk cash (over $10,000) in their possession. Border patrol agents must have the technology to read stored value cards. Anyone caught failing to disclose cards in their possession carrying greater than $10,000 in stored value should be subject to serious criminal penalties.

This committee should also be aware that the cartels seize and hold power through a combination of intimidation and corruption of public officials. One of the more shocking parts of our anti-cartel efforts in Arizona was the discovery of a cartel agent on the staff of one of the local prosecutors in a border county. I am sure that this will not be the last such double agent we find. The threat of further infiltration should be yet another reason to move ahead on this action without further delay.

CONCLUSION

We need to recognize the seriousness and proximity of the cartel threat to American security and eliminate that threat quickly.

Perhaps the biggest failure of our National debate on border security is that the cartel threat seems to have taken a backseat to discussions about immigration. Yet, if we eliminate the cartel organizations, the ability of large numbers to illegally cross our southwest border would be dramatically reduced. Very few illegal border crossers could make the trip across the harsh Sonoran Desert without the smuggling cartels who transport them. Crushing the cartels is the most effective way to reduce illegal border crossings. And, if we stand by while the cartels establish a law-

less zone between Mexico's primary trade partner and the rest of Mexico, the entire Mexican economy will falter, and the present wave of immigrants will become a tsunami of refugees.

No international policy goals are of more immediate interest to the people of Arizona than restoring the rule of law in the border region and developing Mexico into a stable and prosperous trading partner. While the cartels are in power, lawlessness prevails, confidence in government suffers, and the dynamic economic growth associated with political stability is not possible.

Our Nation has a long and successful history fighting organized crime. Despite the size and sophistication of the cartels' operations, I know we have the resources to dismantle their organizations. What is lacking is a specific resolve to see the effort to conclusion and the resources appropriate to eliminate the threat.

It is time for Congress and the administration to focus on dismantling the criminal cartels to secure our southwestern border.

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

July 8, 2010

SENT VIA ELECTRONIC COPY

Hon. Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

As Arizona's chief law enforcement officer, I write to respond to your recent statements about the security of our border with Mexico and to urge that you take immediate action to substantially strengthen our nation's fight against the most significant and immediate threat to border security: the powerful and violent Mexican drug cartels.

I remain appreciative of the new resources your Administration has begun to bring to our broken border, and I strongly support your call for major federal immigration reform.

Yet, having considered your recent remarks on these topics and your Administration's actions on border security, I am concerned that you may have misperceived the nature of the border threat, and in so doing, may have jeopardized the success of your well-intended initiatives. Your statement that our border has never been more secure, in part because we have more boots on the ground, misses a fundamental truth: ***Our border cannot be secure as long as the cartels are so deeply entrenched, so well-funded, and operate so brazenly.*** Until the cartels are dismantled, rampant trafficking of drugs, humans, guns and money across our border will persist.

The growth in size, strength and sophistication of the Mexican drug cartels is the most immediate actual threat to the security of Arizonans and other Americans from our broken border. The cartels are responsible for the murders of more than 22,700 people south of our border since 2007. These are war zone-like death tallies. They exceed the combined number of all deaths of American troops, coalition troops, and civilians in the war in Afghanistan since it began in 2001. In fact, the number of violent civilian deaths in Mexico last year also exceeded the number of violent civilian deaths in Iraq. As Attorney General Holder correctly noted last year, "International drug trafficking organizations pose a sustained, serious threat to international safety and security. They are a national security threat."

Yet, despite the proximity of the American public to this threat (many, if not most, of the killings are occurring in Mexican border towns like Juarez, Chihuahua, and Nogales, Sonora),

PROTECTING ARIZONA

1275 WEST WASHINGTON, PHOENIX, ARIZONA 85007-2926 • 602.542.4266 • FAX 602.542.4085 • WWW.AZAG.GOV

the federal response to the situation there has paled in comparison with the $12 billion per month we are now spending to fight in far-away Iraq and Afghanistan. Indeed, even with your new, enhanced financial commitment to the Southwest border, federal spending in this area constitutes less than one percent of our nation's annual expenditures in Iraq and Afghanistan.

For those of us actually living on the border, this imbalance is intolerable. And it is worsened by the fact that Arizonans pay a disproportionate share of the costs associated with our broken border. As I and others have repeatedly pointed out, Arizona houses a substantially higher percentage of criminal aliens than other states; yet we get paid only about 10 percent of our costs for incarcerating them—despite the clear mandate of the SCAAP law that the federal government either pay our full cost or take our criminal alien population into federal custody.

These realities must change, because the problem is getting worse. The cartels are now diversifying their business operations by attacking major sources of domestic and international commerce. Recent reports of truck hijackings and thefts from petroleum pipelines by the cartels confirm that they are finding new ways to make money, overrun civil authority, and expand their power.

Perhaps more troubling, the cartels have launched an assault on Mexican democracy itself. The recent assassination of leading gubernatorial candidate Rodolfo Torre and his staff, on the heels of an attempted assassination of the Chief of Police of Puerto Penasco, sends a clear message that the cartels believe they—and not the Mexican people, the Mexican government, or even the United States—control the border region.

The time has come for you to identify and more forcefully respond to the real threat on our border. The cartel leaders are nothing short of well-armed warlords whose continued operations near and across our border pose a significant, serious, and immediate threat to Arizona's and the nation's security.

I call on you to launch a major, multi-national, law enforcement initiative aimed first and foremost at identifying cartel warlords by name and bringing them to justice by all means available. Breaking up these cartels and restoring the rule of law within Mexico not only would bring better security to the border region, but also would greatly assist Mexican efforts to stabilize their economy and improve the conditions that compel so many Mexican citizens to seek work illegally in the United States. It would also restore safety and confidence to the many legitimate businesses (including tourism) that seek peaceful trade between the United States and Mexico.

I can think of few international policy areas of more immediate interest to the people of Arizona than restoring the rule of law in the border region and developing Mexico into a safe, stable and prosperous trading partner. For this reason, I have made the fight against the cartels my top priority as Arizona's Attorney General. The prosecutors and investigators in my Office have helped take down a number of drug- and human-smuggling rings. Using federal Merida Initiative funds, we have trained over 400 Mexican prosecutors to help improve that country's low criminal conviction rates. I also secured an important $94 million recovery from Western Union that includes $50 million for the four states that make up the Southwest Border Alliance to further Arizona's work in disrupting the flow of money to the cartels.

Hon. Barack Obama
July 8, 2010
Page 3

If my Office can achieve these results on our limited state budget, imagine the impact the federal government could make if it devoted even five percent of the money it is spending on the wars in Iraq and Afghanistan. At a minimum, as I have discussed on several occasions with Secretary Napolitano and Customs and Border Patrol Commissioner Alan Bersin, I implore you to find funding to provide dollar-for-dollar federal matches to the law enforcement initiatives being funded by our Southwest Border Alliance.

Which brings me to my final point: In the absence of a new and comprehensive federal immigration law, it is just wrong for this Administration to fight state efforts to address the effects of our broken border. While I did not agree with the specific approach taken by my state when it passed SB 1070, I fully support Arizona's right to take strong action to protect our taxpayers from the substantial costs of residing along a broken border.

Your Administration's decision to challenge Arizona's law before it even takes effect — without any effort to address Arizona's costs or to effectively deal with the cartel threat — has created substantial and justifiable anger here. That anger should not be underestimated, and threatens to undermine the effectiveness of your efforts to secure needed federal immigration reform.

I strongly urge you to take two steps to address that anger: 1) focus federal law enforcement efforts on a stronger and higher profile multi-national effort to find and incarcerate the leaders of the cartels; and 2) propose real financial relief to Arizona taxpayers who have paid far more than most others of the financial consequences of a failed federal border policy. Fully funding the SCAAP law and better compensating border state hospitals for emergency treatment of immigrants would go a long way toward addressing the frustrations of Arizonans and other border state taxpayers.

I would be pleased to meet with you at any time to discuss these important issues further.

Sincerely,

Terry Goddard

Terry Goddard

Mr. CUELLAR. Attorney General, thank you very much.

At this time I would like to recognize Mr. Stana to summarize his statement for 5 minutes.

STATEMENT OF RICHARD M. STANA, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. STANA. Okay. Thank you, Chairman Cuellar, Mr. Thompson, Mrs. Miller, and Members of the subcommittee.

I am pleased to be here today to discuss our report on alien smuggling, which was requested by the committee and Mr. Mitchell and is being released at the hearing today. As you know, alien smuggling along the southwest border is an increasing threat to the security of the United States and Mexico, as well as to the safety of both law enforcement and smuggled aliens.

One reason for this increased threat is the involvement of drug trafficking organizations, which collect fees from alien smugglers for the use of specific smuggling routes. Also, available reporting

indicates that some Mexican drug trafficking organizations specialize in smuggling special interest aliens into the United States.

The violence associated with alien smuggling has also increased in recent years, particularly in Arizona. At today's hearings I would like to discuss three main points from our report.

First, although the use of smugglers is increasing, ICE investigative resources devoted to alien smuggling along the southwest border have remained flat at about 16 to 17 percent of available staff years. We found that ICE's investigative efforts resulted in hundreds of arrests, indictments, and convictions. But we also found that some ICE investigators are performing duties that are not consistent with the primary mission of conducting criminal investigations.

In two of four SAC offices we visited along the southwest border, ICE has been diverting staff to non-investigative tasks like responding to calls from State and local law enforcement agencies to transport and process apprehended aliens.

In 2006 in the Phoenix area, ICE developed a LEAR program in which DRO took over responsibility for transporting and processing apprehended aliens, thus enabling ICE investigators to spend more time investigating. We recommend that that ICE study the feasibility of expanding the LEAR program along the southwest border and, if found to be feasible, expand it to help ensure that ICE investigative resources are used more efficiently.

My second point involves ICE's tepid results in targeting and seizing monetary assets of smuggling organizations. Although alien smuggling activities generate illicit revenues of billions of dollars annually, the value of ICE alien smuggling asset seizures has never exceeded $18 million, and decreased to about $7.6 million last year.

One opportunity to improve results involves civil asset forfeiture authority, which allows Federal authorities to seize property used to facilitate a crime without first having to convict the property owner of a crime. We recommended that Justice seek the civil asset forfeiture authority it has identified as necessary to seize property used to facilitate alien smuggling.

Another opportunity involves assessing the financial investigative techniques used by the Arizona attorney general's task force—which you have just outlined.

The task force seized millions of dollars and disrupted alien smuggling operations by analyzing transaction data from money transmitters to identify those who were complicit in laundering alien smuggling proceeds. We recommended that ICE conduct an assessment of the Arizona AG's financial investigation strategy to identify any promising investigative techniques that are appropriate for Federal use.

Finally, while ICE and CBP have established objectives for their alien smuggling programs, they could do more to measure progress toward achieving program results. For example, although one of the major objectives of its alien smuggling investigations is to seize smugglers' assets, ICE does not have performance measures for tracking the results of financial investigative efforts for these cases.

As a second example, although the Mexican Interior Repatriation Program is aimed at saving lives and disrupting alien smuggling

operations, ICE does not know its effectiveness, because it lacks performance measures for the program.

As a third example, the lack of accurate and consistent data has limited CBP's ability to evaluate its alien smuggling programs. CBP recognizes the value of systematic program evaluations, but has not established a plan with time frames for their completion. We recommended that the agencies address these shortcomings.

ICE and CBP took issue with developing performance measures for MIRP, citing potential sensitivities. We continue to believe that measuring MIRP performance is important and would be consistent with the program MOU signed by both the United States and Mexico, which calls for evaluation by appropriate officials.

Mr. Chairman, you did mention that over the past few years GAO has evaluated alien smuggling activities more than once. In fact, we have done it three times in the last 10 years. Considering the results and trends shown in these three reports, we see some good news and some news that is not so good.

The good news is that ICE's efforts have resulted in overall increases in the number of arrests, indictments, and convictions for alien smuggling offenses, and increases in CBP resources at the border are obstructing some alien smuggling routes.

The not-so-good news is that over the 10-year period, ICE still has a long way to go toward stripping away the financial assets and infrastructure of alien smuggling operations. Despite increased use of smugglers and the potential for violence, ICE's resource commitment remains static in this area. Moreover, ICE and CBP have not fully evaluated their alien smuggling programs to see what is working and what is not and whether programs should be improved or eliminated. Clearly, more needs to be done to address these issues.

This concludes my oral statement, and I look forward to responding to any questions you may have.

[The statement of Mr. Stana follows:]

PREPARED STATEMENT OF RICHARD M. STANA

JULY 22, 2010

GAO–10–919T

Chairman Cuellar, Ranking Member Miller, and Members of the subcommittee: I am pleased to be here today to discuss Federal efforts to address alien smuggling along the southwest border. Alien smuggling along the southwest border is an increasing threat to the security of the United States and Mexico as well as to the safety of both law enforcement and smuggled aliens. One reason for this increased threat is the involvement of drug trafficking organizations in alien smuggling. According to the National Drug Intelligence Center's (NDIC) 2008 National Drug Threat Assessment, the southwest border region is the principal entry point for smuggled aliens from Mexico, Central America, and South America. Aliens from countries of special interest to the United States such as Afghanistan, Iran, Iraq, and Pakistan (known as special-interest aliens) also illegally enter the United States through the region. According to the NDIC assessment, Mexican drug trafficking organizations have become increasingly involved in alien smuggling. These organizations collect fees from alien smuggling organizations for the use of specific smuggling routes, and available reporting indicates that some Mexican drug trafficking organizations specialize in smuggling special-interest aliens into the United States. As a result, these organizations now have alien smuggling as an additional source of funding to counter U.S. and Mexican government law enforcement efforts against them.

Violence associated with alien smuggling has also increased in recent years, particularly in Arizona. According to the NDIC assessment, expanding border security initiatives and additional U.S. Border Patrol resources are likely obstructing regularly used smuggling routes and fueling this increase in violence, particularly violence directed at law enforcement officers. Alien smugglers and guides are more likely than in past years to use violence against U.S. law enforcement officers in order to smuggle groups of aliens across the southwest border. In July 2009, a border patrol agent was killed while patrolling the border by aliens illegally crossing the border, the first shooting death of an agent in more than 10 years. Conflicts are also emerging among rival alien smuggling organizations. Assaults, kidnappings, and hostage situations attributed to this conflict are increasing, particularly in Tucson and Phoenix, Arizona. Communities across the country are at risk since among those individuals illegally crossing the border are criminal aliens and gang members who pose public safety concerns for communities throughout the country.

Within the Department of Homeland Security (DHS), the Immigration and Customs Enforcement's Office of Investigations (OI) is responsible for investigating alien smuggling. In addition, DHS's Customs and Border Protection (CBP) and ICE's Office of Detention and Removal Operations (DRO) have alien smuggling-related programs.

My testimony is based on a May 2010 report we are releasing publicly today on alien smuggling along the southwest border.[1] As requested, like the report, my testimony will discuss the following key issues: (1) The amount of investigative effort OI has devoted to alien smuggling along the southwest border since fiscal year 2005 and an opportunity for ICE to use its investigative resources more effectively; (2) DHS progress in seizing assets related to alien smuggling since fiscal year 2005 and financial investigative techniques that could be applied along the southwest border to target and seize the monetary assets of smuggling organizations; and (3) the extent to which ICE/OI and CBP measure progress toward achieving alien smuggling-related program objectives. Our May 2010 report also provides a discussion of the extent to which ICE/OI and CBP have program objectives related to alien smuggling.

For our report, we conducted site visits and interviews with officials in all four of the OI special agent-in-charge (SAC) offices along the southwest border. We also interviewed officials with six of the nine Border Patrol sectors along the southwest border and interviewed officials in all five U.S. Attorney's districts along the southwest border. The six Border Patrol sectors were selected based on their proximity to OI SAC offices we visited and their varying volumes of removable alien apprehensions. In addition, we interviewed the Arizona Attorney General and officials with the Arizona Attorney General's Financial Crimes Task Force and analyzed relevant court affidavits to obtain information on the results of their efforts to address alien smuggling in Arizona. We supplemented our interviews with analyses of OI case management data (fiscal years 2005 through 2009), Justice Department data on the outcome of alien smuggling cases presented for prosecution to U.S. Attorneys along the southwest border (fiscal years 2005 through 2009), OI and Border Patrol asset seizure data (fiscal years 2005 through 2009), and reviews of CBP and ICE alien smuggling program documentation. We determined that despite limitations in certain data collection and oversight processes that are discussed more fully in our May 2010 report, case management, asset seizure, and alien smuggling case outcome data were sufficiently reliable for the purposes of our report. More detailed information on our scope and methodology appears in our May 2010 report. Our work was performed in accordance with generally accepted government auditing standards.

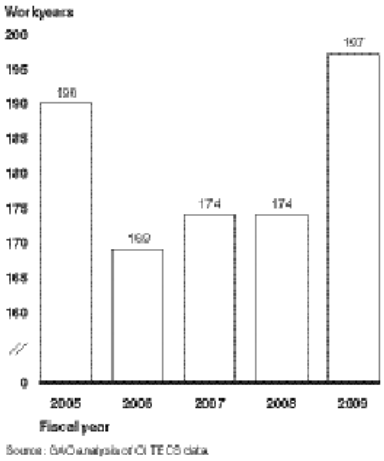
OI WORK YEARS SPENT INVESTIGATING ALIEN SMUGGLING ALONG THE SOUTHWEST BORDER RECENTLY INCREASED; OPPORTUNITY EXISTS TO BETTER LEVERAGE RESOURCES

OI work years devoted to investigating alien smuggling along the southwest border increased from about 190 work years in fiscal year 2005 to about 197 work years in fiscal year 2009, an overall increase of 4 percent, with hundreds of arrests, indictments, and convictions resulting. The overall number of work years decreased from about 190 work years in fiscal year 2005 to 174 in fiscal year 2008, but increased 23 work years from fiscal years 2008 to 2009 primarily due to an increase in one office. The percentage of time OI investigators spend on alien smuggling investiga-

[1] GAO, *Alien Smuggling: DHS Needs to Better Leverage Investigative Resources and Measure Program Performance Along the Southwest Border,* GAO–10–328 (Washington, DC: May 24, 2010).

tions, versus other investigative areas, such as drugs, has remained steady during this time period at 16–17 percent.

Figure 1: OI Investigator Work Years Spent Addressing Alien Smuggling on the Southwest Border (Fiscal Years 2005 through 2009)



Source: GAO analysis of OI TECS data

DHS's Human Capital Accountability Plan states that DHS is committed to ensuring that human capital resources are aligned with mission accomplishments and are deployed efficiently and effectively. However, in some cases OI investigators are conducting immigration-related activities that are not consistent with OI's primary mission of conducting criminal investigations. Officials from two of the four SAC offices we visited told us that OI has been tasked to respond to calls from State and local law enforcement agencies to transport and process apprehended aliens who may be subject to removal, which diverts OI resources from conducting alien smuggling and other investigations. For example, according to officials in one SAC office, the equivalent of two full-time investigators each week spent their time responding to non-investigation-related calls during fiscal year 2009. In 2006, in the Phoenix metropolitan area, ICE's DRO developed the Law Enforcement Agency Response (LEAR) program, in which DRO took over responsibility from OI for transporting and processing apprehended aliens. DRO processed 3,776 aliens from October 1, 2008, to May 24, 2009, who otherwise OI would have had to process, thus enabling OI agents to spend more time on investigations. DRO headquarters officials stated that they have discussed expanding the LEAR program beyond Phoenix but have yet to conduct an evaluation to identify the best locations for expanding the program. By studying the feasibility of expanding the LEAR program, and expanding the program if feasible, ICE would be in a better position to help ensure that its resources are more efficiently directed toward alien smuggling and other priority investigations. Therefore, in our May 2010 report, we recommended ICE take such action. ICE concurred with our recommendation and stated that as a first step in potentially expanding the program Nation-wide, DRO's Criminal Alien Division prepared and submitted a resource allocation plan proposal for its fiscal year 2012 budget.

ALIEN SMUGGLING ASSET SEIZURES HAVE DECREASED SINCE 2005; OPPORTUNITIES EXIST TO LEVERAGE ADDITIONAL FINANCIAL INVESTIGATIVE AND SEIZURE TECHNIQUES

The value of OI alien smuggling asset seizures has decreased since fiscal year 2005, and two promising opportunities exist that could be applied to target and seize the monetary assets of smuggling organizations. According to OI data, the value of alien smuggling seizures Nation-wide increased from about $11.2 million in fiscal year 2005 to about $17.4 million in fiscal year 2007, but declined to $12.1 million in fiscal year 2008 and to about $7.6 million in fiscal year 2009.

TABLE 1.—OI ALIEN SMUGGLING ASSETS SEIZED IN FISCAL YEARS 2005 THROUGH 2009 NATIONWIDE

Dollars in thousands

Fiscal Year	Value of Currency Seized	Value of Vehicles Seized	Value of Vessels (e.g., Boats) Seized	Value of Real Estate Seized	Total Value of Currency, Vehicles, and Real Estate Seized	Value of All Assets Seized	Value of Currency, Vehicle, Vessel and Real Estate Seized as a Percentage of Total Assets Seized
2005	$4,197	$3,433	$2,427	$691	$10,748	$11,212	96
2006	3,720	3,710	2,055	4,034	13,519	14,220	95
2007	3,432	5,957	4,118	3,433	16,940	17,396	97
2008	1,836	5,275	3,618	818	11,547	12,169	95
2009	1,679	3,280	2,013	140	7,112	7,613	93

Source: GAO analysis of OI data.
Note: Values have been adjusted to account for inflation.

One opportunity to leverage additional seizure techniques involves civil asset forfeiture authority, which allows Federal authorities to seize property used to facilitate a crime without first having to convict the property owner of a crime. OI investigators indicated that lack of such authority makes it difficult to seize real estate involved in alien smuggling activity. In 2005, we recommended that the Attorney General, in collaboration with the Secretary of Homeland Security, consider submitting to Congress a legislative proposal, with appropriate justification, for amending the civil forfeiture authority for alien smuggling. Justice prepared such a proposal and it was incorporated into several larger bills addressing immigration enforcement or reform since 2005, but none of these bills had been enacted into law as of July 2010. According to Justice officials, the current administration has not yet taken a position on civil asset forfeiture authority for alien smuggling cases. We continue to believe it is important for Justice to seek the civil asset forfeiture authority it has identified as necessary to seize property used to facilitate alien smuggling. Thus, in our May 2010 report, we recommended that the Attorney General assess whether amending the civil asset forfeiture authority remains necessary, and if so, develop and submit to Congress a legislative proposal. Justice concurred with this recommendation.

A second opportunity involves assessing the financial investigative techniques used by an Arizona Attorney General task force. The task force seized millions of dollars and disrupted alien smuggling operations by following cash transactions flowing through money transmitters that serve as the primary method of payment to those individuals responsible for smuggling aliens. By analyzing money transmitter transaction data, task force investigators identified suspected alien smugglers and those money transmitter businesses that were complicit in laundering alien smuggling proceeds. ICE officials stated that a fuller examination of Arizona's financial investigative techniques and their potential to be used at the Federal level would be useful. An overall assessment of whether and how these techniques may be applied in the context of disrupting alien smuggling could help ensure that ICE is not missing opportunities to take additional actions and leverage resources to support the common goal of countering alien smuggling. In our May 2010 report, we recommended that ICE conduct an assessment of the Arizona Attorney General's financial investigations strategy to identify any promising investigative techniques for Federal use. ICE concurred with our recommendation and stated that the week of April 12, 2010, ICE participated in the inaugural meeting of the Southwest Border Anti-Money Laundering Alliance, a body consisting of Federal, State, and local law enforcement agencies along the southwest border. The main purpose of the meeting was to synchronize enforcement priorities and investigative techniques. However, while these are positive steps toward combating money laundering along the southwest border, it is not clear to what extent these actions will result in ICE evaluating the use of the Arizona Attorney General's financial investigative techniques.

OI AND CBP COULD DO MORE TO BETTER MEASURE PROGRESS TOWARD ACHIEVING ALIEN SMUGGLING-RELATED PROGRAM OBJECTIVES

OI and CBP have not fully evaluated progress toward achieving alien smuggling-related program objectives. Federal standards for internal control call for agencies to establish performance measures and indicators in order to evaluate the effectiveness of their efforts. One of the major objectives of OI's alien smuggling investigations is to seize smugglers' assets, but OI does not have performance measures for asset seizures related to alien smuggling cases. Tracking the use of asset seizures in alien smuggling investigations as a performance measure could help OI monitor its progress toward its goal of denying smuggling organizations the profit from criminal acts. Thus, in our May 2010 report, we recommended that ICE develop performance measures for asset seizures related to alien smuggling investigations. ICE concurred with the recommendation and stated that ICE is in the process of assessing all of its performance measures and creating a performance plan.

In addition, ICE operates the Mexican Interior Repatriation Program (MIRP), which removes aliens apprehended during the hot and dangerous summer months to the interior of Mexico to deter them from reentering the United States and to reduce loss of life. However, ICE does not know the effectiveness of MIRP at disrupting alien smuggling operations or saving lives because ICE lacks performance measures for the program. Thus, in our May 2010 report, we recommended that ICE develop performance measures for MIRP. ICE did not agree with this recommendation because it believed that performance measures for this program would not be appropriate. According to ICE, any attempt to implement performance measures for MIRP to emphasize the number of Mexican nationals returned or the cost-effective-

ness of the program would shift its focus away from the program's original life-saving intent and diminish and possibly endanger cooperation with the government of Mexico. However, we believe that performance measures would be consistent with the Memorandum of Understanding (MOU) signed by the United States and Mexico related to MIRP which calls for evaluation by appropriate officials. Thus, we believe that measuring MIRP's program performance would be consistent with the MOU's intent.

CBP operates several programs that address alien smuggling, such as the Operation Against Smugglers Initiative on Safety and Security program (OASISS) in which suspected alien smugglers apprehended in the United States are prosecuted by Mexican authorities. In addition, CBP's Operation Streamline prosecutes aliens for illegally entering the United States in order to deter them from reentering the United States. Lack of accurate and consistent performance data has limited CBP's ability to evaluate its alien smuggling-related programs. CBP is in preliminary discussions to establish systematic program evaluations, but has not established a plan, with time frames, for their completion. Standard practices in project management for defining, designing, and executing programs include developing a program plan to establish an order for executing specific projects needed to obtain defined results within a specified time frame.[2] Developing a plan with time frames could help CBP ensure that the necessary mechanisms are put in place so that it can conduct the desired program evaluations. Therefore, in our May 2010 report, we recommended that the Commissioner of CBP establish a plan, including performance measures, with time frames, for evaluating CBP's alien smuggling-related enforcement programs. CBP concurred with our recommendation and stated that it is developing a plan that will include program mission statements, goals, objectives, and performance measures. CBP stated that it also has begun gathering data and holding workshops on developing performance measures for some of it programs. However it is not clear to what extent these actions will include time frames for evaluating CBP's enforcement efforts.

This concludes my prepared testimony. I would be pleased to respond to any questions that Members of the subcommittee may have.

Mr. CUELLAR. Mr. Stana, again, thank you for your testimony.

At this time I would like to recognize Ms. Kephart to summarize her statement for 5 minutes.

STATEMENT OF JANICE L. KEPHART, DIRECTOR OF NATIONAL SECURITY POLICY, CENTER FOR IMMIGRATION STUDIES

Ms. KEPHART. Good morning. Thank you, Chairman Thompson, Chairman Cuellar, and Ranking Member Miller, and thank you for being here, and thank you for the interest in my new mini-documentary, "Hidden Cameras on the Arizona Border 2." It is a privilege also to be here with an esteemed panel.

I believe my testimony begins with a 2-minute clip of that film, and then I have 3 minutes of oral testimony.

Mr. CUELLAR. Sorry. Is your mic on? Just want to make sure.

Ms. KEPHART. I am sorry. Do I need to start over, sir?

Mr. CUELLAR. I think we heard everything, but just to——

Ms. KEPHART. I just was thanking Chairman Thompson, you, sir, Ranking Member Miller for being here and for your interest in my work and my new mini-documentary, "Hidden Cameras on the Arizona Border 2." I believe I am beginning my testimony with a 2-minute clip of that, and then I will go into 3 minutes of oral testimony. Thank you.

[Video is played.]

Ms. KEPHART. The 10-minute film, from which you just saw a clip, seeks to provide a reality check to all Americans on what is really going on in Arizona, featuring hidden camera footage of those alien and drug smuggling. This film can be found on the Cen-

[2] The Project Management Institute, *The Standard for Program Management* (2006).

ter for Immigration's website at cis.org. The film was released nearly a week ago and as of this morning sits at over 110,000 views on YouTube.

I began this series of mini-documentaries over a year ago, after becoming increasingly alarmed at the growing silence about the southwest border, and particularly Arizona. The increasing brazenness of drug cartels and gang members that commit violent crimes toward Americans was raising the bar on National security and public safety issues not just for Arizona, but across the Nation.

I was especially concerned, based on my work on the September 11 Commission, about the interest of terrorist groups like Hezbollah and al-Qaeda in seeking terrorist travel support from alien and drug smugglers for anonymous entry at their operatives, especially along the southwest border.

There were documented cases of both terror organizations pursuing this type of travel strategy, an issue that I have testified to in prior years before Congress. Yet in Washington we were told of a no new fencing policy, proposed cuts to the Border Patrol, disinterest in prosecuting illegal alien entries, and no replacement program for a failed Secure Border Initiative.

There was also much-ignored requests by Arizona's Governor to deploy National Guard, despite the success that over 5,000 National Guard have provided to an overwhelmed Border Patrol in 2006 to western Arizona's Yuma sector, helping that sector gain operational control and reduce apprehensions by over 94 percent in just 2 years.

During the same period, I began receiving anonymous e-mails with hidden camera footage from private citizens in Arizona. Over time this footage captured hundreds of illegals crossing Federal lands over and into Arizona. The Government was telling us that illegal alien apprehensions numbers were down, but how did anyone know the true numbers, when so much activity seemed to be happening on Federal land, where there was little to no Federal law enforcement activity, but only private citizen hidden cameras?

How could it be that the Federal lands seemed less protected by Federal law enforcement and private property? What seems strange was that the Department of Interior and Department of Agriculture, which owned a huge swath of Arizona, have known the devastating effect of illegal alien activity on its land for years. I learned this definitively through a series of difficult FOI requests.

Yet I am told again and again of the heavy struggles the Border Patrol has had in gaining timely access to these lands, exasperating environmental and public safety issues, while encouraging alien and drug smugglers to use these Federal lands as a playground for travel and waste.

I encourage Congress to do what it can to correct the Federal law enforcement access to Federal lands once and for all to help contain alien smuggling and drug smuggling prior to infiltration into America. If nothing else but that comes from this mini-documentary, its making will have been well worthwhile, from my point of view. Thank you so much. I look forward to questions.

[The statement of Ms. Kephart follows:]

PREPARED STATEMENT OF JANICE L. KEPHART

JULY 22, 2010

I am currently the Director of National Security Policy at the Center for Immigration Studies (CIS) and a former counsel to the 9/11 Commission, where I co-authored the monograph 9/11 and Terrorist Travel alongside recommendations that appear in the 9/11 Final Report. Prior to 9/11, I was counsel to the U.S. Senate Judiciary Subcommittee on Technology and Terrorism where I specialized in foreign terrorist activity in the United States and worked on oversight issues pertaining to border security and counterterrorism with the legacy Immigration and Naturalization Service, as well as gained unanimous consent in both Houses of Congress for the Federal criminal redress system in place today for identity theft. Today I focus on all issues pertaining to border security and its nexus to National security. This is my 11th testimony before Congress, and I am privileged to be here before you today.

Last year, after becoming increasingly alarmed at a growing silence about the southwest border, and particularly Arizona, where Operation Gatekeeper in the late 1990s had successfully pushed much of the illegal crossings into Arizona, I began a series of documentary films. I was especially concerned about the interest of terrorist groups like Hezbollah and al-Qaeda's in seeking anonymous entry of their operatives along the southwest and northern border. There were documented cases of both terror organizations pursuing this type of travel strategy, an issue that I had testified to in prior years before Congress.

At the time, I was concerned that the administration was not taking the threat as seriously as it could. It decided not to construct new fencing on the southern border; it had not announced a replacement program for the Secure Border Initiative; budget proposals reflected reduced numbers of Border Patrol agents; and requests for a National Guard presence by Arizona's new Governor, Jan Brewer, were ignored despite the success the National Guard had helped the Border Patrol achieve in 2006 in the Yuma Sector as active "boots on the ground."

During this same period, about a year and a half ago, I began receiving anonymous emails with hidden camera footage from the southwest border. Over time, this footage captured hundreds of illegal aliens crossing Federal lands over and into Arizona, with few ever stopped or apprehended by the Border Patrol despite occasional chases. To my mind, this footage portrayed a very different reality than Washington's conventional wisdom, which was reiterating that illegal alien apprehension numbers were down. How could we know numbers were down when the only way to know the real activity was not from Federal Government apprehensions, but private citizen hidden cameras?

The apparent absence of the Border Patrol was also striking. This was Federal land with known illegal trails that caused environmental devastation as well. How could it be that the Federal lands seemed less protected by Federal law enforcement than private property?

"Hidden Cameras on the Arizona Border 2: Drugs, Guns, and 850 Illegal Aliens" is the CIS' second web-based film on the impact of illegal alien activity in Arizona. This new 10-minute mini-documentary—which I produced, directed, wrote, and narrated—features footage of both illegal-alien entry as well as alien and drug-smuggling. It is based on two sources of hidden camera footage [SecureBorderIntel.org (Nogales/Casa Grande footage) and BorderInvasionPics.com (Coronado footage)], 10 months worth of Freedom of Information Act requests including Memos of Understanding between the Federal Government entities that own and patrol these lands, and a June 2010 border trip I took to southeast Arizona, the Coronado National Forest, and the Casa Grande sector highlighted in the film. The film is on the CIS website at *http://cis.org/Videos/HiddenCameras2.* Upon conducting document and "on the ground" research, alongside review of many reels of hidden camera footage, it was hard to avoid the conclusion that illegal alien activity is causing severe consequences for Arizona.

The mini-documentary was released at a press conference with Rep. Rob Bishop (UT–1) on July 15, 2010. Its views already exceed 100,000 just on youtube.com. The film was featured for 2 days on FOX News and its news affiliates and has been subject of radio interviews and print articles. It appears to be receiving a large and grassroots interest, and substantial support, for its substantive appraisal of the current status of illegal activity in Arizona.

The Center's first video on the subject, "Hidden Cameras on the Arizona Border: Coyotes, Bears, and Trails," *(http://www.cis.org/videos/hiddencameras-illegalimmigration)* was released on July 14, 2009 and has received over 60,000 views to date. A blog as to the Federal Government response to that video can be

found at *http://www.cis.org/Kephart/HiddenCamerasUpdate.* This film focuses primarily on the environmental destruction caused by illegal activity on Federal lands, highlighting in more detail waste and threat to wild animal life.

Among the lessons learned from Hidden Cameras 2 is that illegal activity and violence in Arizona is escalating. Moreover, the Federal Government, including the Department of Interior, which owns about 12.5 million Bureau of Land Management acres in Arizona, as well as numerous National parks and wildlife refuges, and the Department of Agriculture's Forest Service, which owns the Coronado National Forest, has long known the devastating effect of illegal alien activity on its land. (See the 2009 Fact Summary Bureau of Land Management—Southern Arizona Project Fiscal Year 2009 Fact Sheet).[1] Yet there is minimal Federal law enforcement on these lands, exacerbating the environmental and public safety issues while encouraging alien and drug smugglers to use them as a playground for travel and waste. Featured in the film is a 2004 Federal Government PowerPoint showing the near-complete devastation of Organ Pipe National Monument due to illegal-alien activity, an Arizona borderland National park.

My FOIA requests also yielded PowerPoints from subsequent years on the Buenos Aires National Wildlife Refuge and reports on the Coronado National Forest that reiterate the 2004 PowerPoint. Even in 2001, a report submitted by the Department of Interior to Congress outlined in great detail the issue of increasing illegal activity. The Department of Interior knew the extent of devastation from illegal activity on its lands, but instead of putting programs in place to work with Federal law enforcement or request line-item budgets for law enforcement to help curtail the illegal activity itself, the problems have continued to deteriorate these lands, making them increasingly unsafe and hurting habitats. Two key quotes, which begin the mini-documentary, are as follows:

"Thousands of new trails and roads have been created on Federal lands by undocumented aliens.

"Certain Federal lands in southeast Arizona can no longer be used safely by the public or Federal employees due to the significance of smuggling undocumented aliens and controlled substances into the U.S."

Some key facts highlighted by my research and the hidden camera footage shown in Hidden Cameras 2 include:

- In sum, on a total three trails in 60 days between February and March 2010, we counted about 850 illegal aliens, 9 drug mules, 3 guns, and a jeep with drugs careening through the desert.
- *Coronado trail facts*.—735 of the illegal aliens in the film are found on one trail, located in the Tucson Border Patrol sector, 15 miles north of Nogales within the Coronado National Forest. They crossed just one hidden camera in 39 days between February and March 2010 during all hours and in all weather. Not one Border Patrol agent is seen on this trail in 39 days. The illegal men and women travel in groups of 7 to 19. Also found on this trail are burlap remnants and water jugs painted black—evidence of drug smuggling. These cameras were placed purposely close to layup areas, where the illegal aliens await trucks and vans that will smuggle them further into the United States. The layup, shown in the film, is cluttered with tons of trash left behind by those utilizing this one trail. It is estimated that 8 to 16 million tons of trash has been left behind in wildlife reserves like this one.

  Extrapolated out, this one trail, uninterrupted, would yield nearly 7,000 aliens illegally entering the United States over the next year. Extrapolate that number out over the thousands of illegal trails Government already knows exists. That could mean there are hundreds of thousands of entries that are never recorded and never make any Government statistic.
- *Casa Grande trail facts*.—A MAC–10 and two assault rifles are carried on foot, along with seven drug couriers carrying packs of 60 pounds or more, and one jeep, all caught on hidden camera video on two cameras located 70 to 80 miles north and west of Nogales. The footage was obtained in January 2010.

  The Federal land area where this footage was captured is west on the I–8 corridor between Tucson and Phoenix, in the Casa Grande Border Patrol sector. This area is known as Table Top, another wildlife-designated area north of the Tohono O'odham Indian Reservation, the Barry Goldwater Firing Range, in the Sonora Desert. In this same area, on April 30, 2010, Pinal County Deputy Sheriff is shot while in hot pursuit of drug cartels. The deputy sheriff survived after a 2-hour search to find him.

[1] *http://www.blm.gov/pgdata/etc/medialib/blm/az/pdfs/undoc_aliens.Par.57669.File.dat/09-SAZ-Proj.pdf.*

The hidden cameras also picked up about half a dozen load trucks, which are run deep into the desert carrying anywhere between 20 to 35 individuals at a time in areas further west on I–8 in March and April 2010, near a large Federal land area known as the Lower Sonora Desert. These loads are weighted down in human cargo, load after load, obvious and unstopped. (My sources tell me that Bureau of Land Management personnel have seen stand up loads trucks with illegals in the back with numbers up to 50.)

- *Federal Government awareness*.—The boots on the ground—the Border Patrol agents, Forest Service and National Park law enforcement agents, the State and local cops—all have known how bad the situation is for years, and are dedicated to their mission. There is no doubt about that. However, through a tedious series of Freedom of Information Act requests, I learned the disconnect between the reality of the Arizona border and Washington rhetoric.

  PowerPoints and reports were obtained that show in intense detail the immense destruction to Federal lands caused by illegal activity. The devastation to Organ Pipe National Monument, about 100 miles west of Nogales, is shown to be near 100 percent. The destruction shown is from illegal alien activity that includes fires and vegetation cutting; water pollution and human waste; horse, bicycle, vehicle and foot tracks; rest sites; and trash. Similar reporting was obtained on Buenos Aires National Wildlife Refuge, also west of Nogales, and multiple reports exist on the Tohono O'odham Reservation and Coronado. In fact, there is no place on the Arizona border that does not report extensive destruction from unstopped illegal activity.

  A Federal law enforcement officer that helps patrol public land told me during a recent visit that his agency only has nine law enforcement officers to cover 3 million acres.
- The threat to public safety today. Shortly after the Pinal County Deputy Sheriff Louie Puroll was shot on April 30, 2010, in the exact same area, two Latino males were shot to death in what is strongly suspected to be drug cartel feuding. (There is reporting this past week that the heavily violent drug cartel "Zetas" are blaming Americans for the deaths of their couriers, and have put out a threat that any armed American found in these Federal lands will be shot.) Nogales' police chief reports that drug cartels are threatening his cops, telling them to look the other way if they are off-duty, or they will be targeted by "sniper or other means."

  Moreover, Arizona citizens are not just being threatened, but shot at as well. Within the last few months a grandfather and his grandson were dove hunting off of the I–8 corridor near at mile marker 124 when a truck loaded with illegal aliens came at them at a high rate of speed. The truck began firing guns at the grandfather and grandson. Other citizens report to BLM personnel, according to my sources, that there have been other U.S. citizens chased by people with AK–47 semi-machine guns in that area. In total there have been 13 confirmed shootings in the I–8 area this year to date.

Border enforcement solutions.—History provides a guide to help determine what Federal law enforcement can be successful on Federal lands, and what cannot. First, the Border Patrol needs access that is relatively free of preapproval to operate on these lands. It can do so while embracing environmental stewardship. A recent successful model is provided by the Yuma Sector.

According to the Border Patrol, in January 2004 the Yuma sector border lands owned by the Department of Interior and located in far western Arizona experienced a huge surge in illegal entries. There was no fence. Agents were assaulted with rocks and weapons daily and outnumbered 50 to 1. In 2005, more than 2,700 load trucks full of aliens and drugs illegally breached that sector. Smugglers were leading masses through the desert, leaving the sick and wounded to die. The smugglers did not stop for agents when in hot pursuit of vehicles. There were many crashes and deaths. By 2005, 138,500 illegal aliens were apprehended, and the numbers were still increasing. Today, the Yuma sector is clean relative to its past, and the Border Patrol can do its job. Apprehensions are down 94 percent to 8,500 in 2008.

Why and how? In May 2006, President Bush announced Operation Jump Start, deploying more than 5,000 National Guard Citizen-Soldiers and Airmen to assist the Border Patrol in securing the boundary with Mexico. For the first time in 3 years, the numbers of illegal entries began to decrease. Governor Napolitano's 2006 Arizona Department of Emergency and Military Affairs Annual Report describes the National Guard's contribution to the operation as follows.

Operation JUMP START, JTF–AZ Border.—The Arizona National Guard, as well as the other Southwest Border States, was tasked to support Operation Jump Start in coordination with U.S. Department of Homeland Security and the U.S. Customs

and Border Patrol (CBP). The Arizona National Guard is supporting CBP with up to 2,400 Guardsmen to gain operational control of the border.
Since July 2006, the Arizona Army National Guard has provided over 5,489 Guardsmen to support missions along the international border with Mexico.
The Arizona National Guard is in support of the Border Patrol sectors of Yuma and Tucson. The missions tasked to National Guard soldiers and airmen include: (1) Surveillance; (2) camera operations; (3) vehicle maintenance support; (4) aviation support; (5) border infrastructure/fencing; and (6) Entry Identification Teams along the 389 miles of the international border between Arizona and Mexico.

According to the Border Patrol, in the first 6 months of Operation Jumpstart, Guard members provided surveillance, border infrastructure, and aviation support, and also helped the Border Patrol save lives of those left to die by smugglers, deal with crash sites where there were high-speed chases of smugglers, as well as interdict illegal drugs. The Guardsmen were not just repairing fences; they were boots on the ground, too.

With administration support in Washington and the National Guard's help on the ground, between 2007 and 2008, unprecedented amounts of tactical infrastructure arrived as well, including: 7 miles of "floating fence" in Yuma sand dunes; 13 miles of access and vehicular fencing along the Colorado River; 9 miles of secondary fencing along the San Luis POE; and 68 miles of pedestrian and vehicular fence along the Sonoran desert. By the time the operations were complete, all of Yuma's 126 miles of border had natural or manmade barriers of some kind. Environmental assessments were conducted to assure preservation. In addition, there are two new BP stations in Yuma, and mobile surveillance sensors with ground radar as well. All of this personnel and tactical infrastructure were backed up by criminal prosecutions of illegal entrants known as Operation Streamline.

Operation Stonegarden still funds localities to help assist border security, as well, helping Arizona local law enforcement back up Federal law enforcement as need be. On July 19, 2010, the administration announced $48 million to the southwest border for Stonegarden.

Conclusion.—Our Nation needs to own up to the real dangers to public safety and the environmental degradation highlighted by Hidden Cameras 2. Multiple deaths, the threats to Nogales off-duty police by drug cartels and cross-border feuds; the millions of tons of trash and complete devastation of wildlife and forest reserves by the illegal trails and the illegal alien and drug smugglers that use them; and the lack of adequate Federal law enforcement on Federal land all point to the need for an urgent, strong, and steadfast solution.

However, new fencing has stopped, even though there is a 26-mile stretch of desert between Naco and Nogales where there are nearly no barriers to hundreds of illegal trails in the Coronado. Technology upgrades has stopped with rare replacements. The administration is not prosecuting illegal aliens for illegal entry unless they are previously associated with violent crime. Guns are being stopped going south but we have no land EXIT/departure system in place, nor a plan for one. Local officials, as in Arizona, are discouraged from supporting Federal immigration law enforcement.

Yet despite these facts, the July 19, 2010 "DHS Weekly Report" states that "The Administration has pursued a new border security strategy over the past year and half, making historic investments in personnel, technology, and infrastructure." The DHS Weekly Report also states that 524 National Guard are to be deployed to Arizona on August 1, 2010 to "provide support for intelligence surveillance and reconnaissance, and counternarcotics enforcement." What was not said was this National Guard deployment is significantly curtailed in numbers and duties compared to a successful 2006 Operation Jump Start.

Like terrorists, alien and drug smugglers must travel across a border in some manner. The most critical strategy to curtail their travel across our borders, especially in the southwest, requires an "all hands on deck" approach to border security that does not relent until the escalating threats are under control and the border secured. All elements—personnel, infrastructure, legal support, a plan for a departure system, and policies supporting Federal law enforcement on Federal lands, should be the starting point, not the last point, for border enforcement against illegal alien and drug smuggling. A multi-layered approach such as was done in the Yuma Sector assuring strong border presence in personnel and infrastructure, a legal system to prosecute illegal entry, and support for localities supporting a Federal enforcement approach, can together discourage brazen alien and drug smuggling and reverse recidivism and criminal activity that threatens our environment and public safety. We can make it so, with American political resolve, and the pro-

grams and resources to back it up the way Americans rightfully expect for their homeland.

Mr. CUELLAR. Thank you, Ms. Kephart, very much for your testimony.

I want to thank all the witnesses for their time for being here with us. I remind each Member that he or she will have 5 minutes to question the witnesses.

I now recognize myself for questions.

One of the things I was just talking to the Chairman here—and this is, I guess, a question for Mr. Dinkins—usually when Congress passes something for border security, there are two things that happened. They talk about fencing, and they talk about adding more Border Patrol. Again, with all due respect, I am a big supporter of the men and women in green, but let us assume that, Mr. Dinkins, we consider this analogy.

If you have a problem in the community, you have a policeman on the corner, which is I am trying to equate that to Border Patrol. If the policeman catches somebody, they in turn will work with an investigator so the investigator can build a case and then prosecute that person. Same thing, at least in my opinion, same analogy—Border Patrol, who always catches somebody, but you got to build the cases against that individual.

One of the things we have been doing in the past is we have been adding more Border Patrol, more Border Patrol. We are going to add another 1,200 if the supplemental bill passes, which I am in agreement. But we got to have a ratio. If we add Border Patrol, what should be the ratio of ICE? Because you got to have the investigators.

If you want to take, as some of the witnesses said, take the fight to them, let us say, even to Mexico, and go after those organizations, and I believe ICE talking to Secretary Morton the other day, I think out of all of the places ICE is in the world, I think the biggest area is in Mexico, a small number, in my opinion—I think we need to have a lot more—but nevertheless, what should be the ratio, if we use that analogy about policeman on the beat, the investigator so he can build the cases.

What should be the ratio, in your opinion, for Border Patrol and ICE? Because we have been at it since 2004. We have gone from 10,000 Border Patrol to 20,000. But ICE has pretty much stayed over. Given Arizona, for example, was your ratio there, if you know that answer, and then the general ratio we ought to have?

Mr. DINKINS. Yes, there is. I think it is important to remember, you know, while CBP and ICE were created as two independent agencies, we really were created to be dependent upon one another for our successes. Then that analogy you use is very accurate. We are responsible for responding to the ports of entry, to cross-border criminal activity, and actually taking, hopefully, those seizures——

Mr. CUELLAR. Excuse me, because we have got only 5 minutes.

Mr. DINKINS. I am sorry.

Mr. CUELLAR. Ratio.

Mr. DINKINS. Ratio. That is a very good—yes, right now, I believe, and this is round figures, we have approximately—if we are in Arizona, for example, we have a ratio of, I would say, maybe

5,000 armed Border Patrol officers to a ratio of maybe 350. I can get you the exact number. It is about 350 ICE special agents.

There does need to be a ratio. If you look at the ratio across-the-board for ICE and CBP, it can be a little bit deceptive, because we have ICE special agents throughout the country in places where there may not be Border Patrol, so the ratio for an ICE special agent, and this is from my own review and experience over the last 20 years, is probably something similar to one to six versus maybe the one to 15 that we have between CBP and ICE in the Arizona southern border area.

Mr. CUELLAR. Okay. I would like for you all to develop that and come to Congress, because, again, our initial reaction is Border Patrol. But you got to have the investigative part, because you got to build those cases and, in my opinion, go into Mexico, and with the cooperation of the Mexican government, and go after those organizations at times. So I would ask you to, you know, again, it is that ratio, so we can look at that.

Of course, then, we shouldn't forget that if you add more activity down there, more Border Patrol, that is more cases. You got to think about probation officers, prosecutors, U.S. attorneys, judges, and all that.

You look at the casework on the borders, on the southern border and the judges there, compared to—and I told this to Chairman Conyers, got his casework there compared to the southern border, and it is a huge amount of casework compared to other places. So, one, I would ask you to develop that and address—you know, come to the committee later, No. 1.

The other thing I would ask Mr. Fisher or Mr. Dinkins what Mr. Stana talked about. As you know, I am a big believer in performance metrics. You have got to have those goals. You have got to have those performance metrics so we know if we are measuring the results, if we really have results.

I am not interested in performance measures that measure activity, you know. That is useless—well, I shouldn't say useless, but it is more important to look at what are the results from getting there.

I would ask you to sit down with GAO, if you all would, talk to Secretary Morton. We really need performance measures from both of you all to make sure that we are measuring the right thing. So I know you all have some performance measures, but I would question if we are measuring the right things on that. That is very important. I would ask you to do that.

The other thing I would ask you all—so you saw what happened with Mérida yesterday with the GAO report. Same thing—here we are putting a lot of money to help Mexico, and we still don't have the right measures. So the measures are going to be very, very important to look at.

The last thing before my time goes, I would ask Mr. Fisher this. I am a big believer, and I am trying to think of the correct—is this Operation Streamline?

Chief FISHER. Yes, Mr. Chairman.

Mr. CUELLAR. Okay. I believe it started—I think they had a little bit in Yuma, little bit in Del Rio. We started in Laredo. We pushed for Laredo. It has got a little bit in South Texas.

Basically, Members, as you know, there is a 1954 law that basically says that anybody that comes into the United States violates the law, Federal law. I know in the past, basically, we have gotten some of those folks and sent them back.

We are now asking them to spend a little bit of time to show that we mean business. I know more of our liberal folks are saying we shouldn't be doing that, but again, if there is a violation when they come in, I think we ought to look at it. Some judges give them 30, 60 days.

It depends on that, because again, it does create work for our U.S. marshals, for our U.S. attorneys. Even though they might want to focus on the big picture, I really think that if you look at the numbers and give them the numbers, what is happening in Del Rio, what is happening in Laredo with the crossings in that area since we implemented Operation Streamline?

Chief FISHER. Generally, Mr. Chairman, directly to your question, those areas and what they are seeing with respect to activity has been declining, as we have seen across the southwest border.

Mr. CUELLAR. But in particular, compare them to other areas.

Chief FISHER. Right. Compared to other areas, they are seeing less activity than, for instance, the central corridor, which we are talking in Arizona, for instance. I don't know to what extent that level of activity has dropped as it relates specifically to one consequence, which is Operation Streamline, which is Federal prosecution.

One of the things that Commissioner Bersin has directed CBP to look at is don't look at these individual consequences within a vacuum. We have about 12 different types of consequence programs that we are evaluating and measuring, but don't do it individually as a program.

Take a look and see to what extent each one of those programs gives us those outcomes as you mentioned, Mr. Chairman, and where should they be applied specifically on the threat, the levels of activity, and the geography which dictates where our vulnerabilities are and the extent to which those criminal organizations are going to continue to try to exploit us. We are doing that, sir.

Mr. CUELLAR. Okay. Thank you very much.

At this time I will recognize for 5 minutes our Ranking Member, Candice Miller.

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

You know, just watching that clip, I think every American should take a look at what is happening here. I just was thinking here that the complexity of what is happening on our border, in regards to border security and who is coming through our border, is changing. It is not just poor folks who are coming from other countries that want to come to the United States to advantage themselves economically.

What we have now with these drug cartels, as has been said, it is the organized crime threat. I appreciate what the Chairman is saying about the resources that we have within our country to arrest people, to prosecute them, et cetera.

I would submit that we need to be thinking a bit about some of these folks who are coming here with guns and everything else as

enemy combatants. They should not be afforded necessarily all of the constitutional rights that American citizens have and clogging up our entire criminal justice system. I think we should think in terms of enemy combatants, because they mean us harm. In many ways they can be looked at as terrorists.

I think while we have been busy—preoccupied, I should say—looking at what is happening in theater in Iraq and Afghanistan, here we have such a serious problem on our southern border with the drug cartels that are coming in.

I would like to address a question to Attorney General Goddard. I listened very closely to your testimony, sir, and I appreciate the challenges that you have. You mentioned follow the money in the organized crime threat. I think perhaps as a way to supplement what we are doing with Customs and Border Protection, ICE, who are being overwhelmed with what is going on down there, do you think we could use some assistance as well from the CIA and the FBI?

I mention that coming from southeast Michigan, where the brutal reality, many of the charities that were funding terrorist activities came from my region, and we have had great success from the previous administration and this administration in shutting down many of these charities with work from the FBI and the CIA.

I am just wondering about that, because you are talking about stopping the wire transfers, the money transfers. You also mentioned about the stored value cards. I believe those are sort of prepaid gift cards perhaps through credit card companies. Is there a way that we can utilize tools that Congress has already passed, whether that is the Patriot Act, various types of things, to work with the credit card companies to assist in securing our border?

Mr. Goddard.

Mr. GODDARD. Thank you, Ranking Member Miller. I can't agree more that we have a serious problem. I would only caution that the things you saw in this film are criminal activities. What I believe we need is a very focused criminal response.

Your point is something that I would really appreciate the chance to elaborate on for just a minute, because I have great respect for the forces on my right here, for the Border Patrol and ICE have really hunkered down in our area, the Tucson sector, which is the most difficult part of the border, in my opinion.

They have made major strides, but there are two things, really, beyond their control. One is the organized criminal activities in Mexico, which I believe are the heart of the problem. The people that we saw coming across the desert were part of very carefully organized convoys. They may not have looked like it, but the timing and the surveillance and the technology that goes into those missions, those groups of people coming across the border, are very well organized. Without the organized criminal back, they would not have been able to make that trip.

Your point about coordination I think it is absolutely essential. I have been trying to get the attention of treasury agents and others to say it is about the money. If we can get the money out of this process, we would do a tremendous amount to reduce the violence.

I believe that those armed guards that you saw with Mach–10s and with AK–47s and AR–15s and a whole variety of assault weapons, are paid by the cartels to do that job. They don't love it. They are not religious zealots. They are there because they are well-paid. If we can stop the flow of money going south, we would do a lot to stop the violence.

That requires the organized coordination among all the majesty and power of the United States Government. You mentioned the CIA, the FBI. I am not sure it is a CIA issue, but it nonetheless——

Mrs. MILLER. Certainly, the FBI.

Mr. GODDARD. What I would really request from this committee is Congress' attention to plugging the holes. It is $40 billion we are talking about. We found a small part of it, which is the wire transfer portion. We believe almost $2 billion is moved by illegal wire transfers. We now have the information as to where they are, and we have the ability to find the hotspots, the places where most of the illegal activity is going from.

Mrs. MILLER. So, if I could, because I am running out of time. So you do not believe if a drug cartel comes into the United States and murders an American citizen, that they should be considered to be an enemy combatant? You think they should be just tried to the civil criminal courts?

Mr. GODDARD. I believe the criminal law covers the situation without going as far as you are saying.

I have been talking for years about the danger that the cartels place to civil authority in Mexico and eventually perhaps to the United States, if we are not vigilant and going after them now. They are, as the Justice Department has said, the most serious organized crime threat to the security of the United States.

That seems to me like it should be in neon letters somewhere in the capital to focus our attention on finding the leaders of the cartels and putting them out of business, because whether it is a military or criminal operation, I can't make that distinction. But I believe criminal law is sufficient, if we can work vigilantly on the focused target of taking down the cartels.

Mrs. MILLER. I appreciate that.

My time has expired. Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you, Mrs. Miller.

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

Mr. THOMPSON. Thank you very much.

Mr. Stana, I appreciate the work of the committee. GAO—you do a good job. You looked at this issue three times.

Mr. STANA. Actually, we have looked at it many more times. We have——

Mr. THOMPSON. In recent times.

Mr. STANA. The first report I recall was in 1977.

Mr. THOMPSON. Okay. Well, let us say the last three reports. You identify what you thought were the strong points and weak points. I want to talk a little bit about the weak points. Can you share that again with the committee?

Mr. STANA. Yes, we were talking about basically three weak points. You know, the first one dealt with their response to getting

at the money, which the attorney general just spoke to. We are just not doing enough to focus attention on the money trail.

The second had to do with performance measures, which I know Mr. Cuellar can appreciate the value of. The third was the resource commitment that ICE has given to the alien smuggling operation.

You know, when we looked at this in 1997, less than 10 percent of the people coming into the country used a smuggler. Now it is a solid majority that are using a smuggler—maybe a vast majority.

Mr. THOMPSON. Thank you.

Mr. Dinkins, you heard Mr. Stana talk about the money issue. Can you tell me why ICE discontinued its relationship with the attorney general's office in pursuing these individuals with money orders? We had an on-going program, and it stopped. What happened with that?

Mr. DINKINS. Sir, well, we were heavily involved initially. We still to this day actually do have more cases with the attorney general's task force. So we haven't actually stopped and pulled out. The approach that they took, which is to identify a vulnerability and then try to mitigate and eliminate that, is really is the essence of what we do at ICE and our financial programs. So that methodology we continue to employ across all of our investigative programs.

Mr. THOMPSON. So are you still in the task force?

Mr. GODDARD. Mr. Chairman, can I address that question, please?

Yes, ICE is an active member of the task force today. There was a period of about 3, 4 years where they did not participate in the task force. I would encourage this committee to direct additional participation, because right now it is at the agent level.

They are certainly helpful in the beginning of analysis of this massive amount of data that our agreement with Western Union is going to provide—is providing, is providing this week for the first time. So we have access to all wire transfers on the border on both sides of the border, and the analysis of that traffic, I believe, can be key to cutting off the illegal movement of funds across the border using wire transfer.

Mr. THOMPSON. Chief Fisher, good to see you in Washington. You were a gracious host when I was out there a few weeks ago.

How many new agents would you be receiving either in the appropriation or the surge for the Tucson sector?

Chief FISHER. There will be approximately 300 CBP officers who will be part of that surge, which includes CBP officers and Border Patrol agents.

Mr. THOMPSON. Mr. Dinkins, how many new investigators would you get based on the new CBP numbers?

Mr. DINKINS. Sir, it fluctuates, but I believe there is right now we have 130 that is going to the entire southwest border. I don't have that broken down by sector right with me, but I can get——

Mr. THOMPSON. So is your testimony that you have enough investigators to do your job?

Mr. DINKINS. Sir, we could always use more investigators. As our partners grow, there is more work to be done, and we could always use more investigators.

Mr. THOMPSON. Well, are you in line to receive more investigators with this new announcement announced by the Secretary?

Mr. DINKINS. Yes, we are. We are in line to receive additional special agents.

Mr. THOMPSON. Investigators.

Mr. DINKINS. Investigators, yes, sir.

Mr. THOMPSON. You are.

Mr. DINKINS. Yes, we are.

Mr. THOMPSON. Well, then somewhere we have a disconnect, because some people are saying that is not the case.

I want you to go back and review it and make sure, because one of the criticisms I heard along the border is that in effect if we get more CBP individuals and not enough investigators for ICE, then the load for ICE almost becomes unbearable in terms of being able to do your work.

I am trying to pursue a line of questioning to get you what you need. I know you have to defend your department. They do a wonderful job. But if in fact we are surging one area to the detriment of another, then we are not getting the best effort for the problem we all want to solve.

Mr. DINKINS. I agree with you 100 percent, sir.

Mr. THOMPSON. Mr. Stana, have you looked at that as a staffing issue or anything like that?

Mr. STANA. You know, we realized that the Border Patrol has plussed-up way out of—you know, at a greater level than ICE has. But, you know, the auditor's question is always not what you would do if you had more. The auditor's question is how well are you using what you have.

You know, we note that there are very many hard-working men and women at ICE and CBP, and that is not the issue. But the issue is you want to make sure they are doing the right work, the right investigations, before you go and ask for more.

In this environment, you know, it would seem to make sense that the proportion should be maintained, but I would still like to get in there and make sure that they are putting their agents on the most risky things and the areas where you are going to get the greatest payback before I would throw in with——

Mr. THOMPSON. So which one of these fine gentlemen's agency is not providing the proper performance measurements that you think are important to be able to measure?

Mr. STANA. Well, one thing we would like to see is a comprehensive strategic planning framework, where you have the risk assessments done, we know which areas are most vulnerable to the Nation and are of the most consequence and to be able to see that ICE is putting its resources on those investigations, on those areas.

We see that these investigative areas will remain static for years. We have always devoted so many resources to drug trafficking within certain—so many to general alien investigations, so many to financial investigations. When you go out and do talk to the agents, many of them are very solid investigations. Some of them are not.

Mr. THOMPSON. Mr. Dinkins, are you prepared to provide that information to the committee?

Mr. DINKINS. Sir, at this time we are actually—when I came on in January as executive associate director, I started a process to

completely redo our performance measures. We need not just to count outputs, and not all arrests are equivalent and don't have the same outcome. That is what we are in the process of doing now and we hope to implement in fiscal year 2111 to be able to start a baseline and then move into the 2012.

Mr. THOMPSON. Well, by October 1, would you provide the committee whatever those performance measures are?

Mr. DINKINS. Yes, sir, we can provide those.

Mr. THOMPSON. Thank you.

I yield back.

Mr. CUELLAR. Thank you, Mr. Chairman.

At this time I will recognize the gentleman from Pennsylvania, Mr. Dent.

Mr. DENT. Thank you, Mr. Chairman.

After reviewing that video that we all witnessed a few moments ago, I absolutely find it incomprehensible that the Department of Justice could be suing the State of Arizona on this issue of enforcing Federal immigration law.

Mr. Dinkins, my question to you as an official from ICE, can you explain to me your understanding of what constitutes a sanctuary city?

Mr. DINKINS. As reference to a sanctuary city, they are often considered locations that—I guess in general terms, so I don't have an exact definition and nor is, I believe, there a legal definition—but somewhere local law enforcement would not be interested in assisting other law enforcement in identifying and removing criminal aliens.

Mr. DENT. Either they might refuse to cooperate or discouraged or prohibited from cooperating.

Mr. DINKINS. Absolutely. By their——

Mr. DENT. By their local city councils and mayors.

Mr. DINKINS. Yes, sir.

Mr. DENT. So if you are familiar with the locations of the sanctuary cities, and I am sure you know which ones they are, how have you modified your enforcement efforts to account for this utter lack of local cooperation?

Mr. DINKINS. It can be challenging. However, our focus truly is the criminal enforcement and dismantling criminal organizations. Generally speaking, even in a sanctuary city, when it rises to gang members that we are looking for and other criminal organizations, generally speaking, law enforcement are still going to assist in that—just not in the civil enforcement. So from my area of expertise in the criminal enforcement——

Mr. DENT. Don't you find it troubling that local communities would not want to help you, assist you in dealing with drug dealers or human smugglers, that they are prohibited or refuse? Doesn't that create additional burdens for your agents?

Mr. DINKINS. Generally speaking, in my area it doesn't create additional burdens for us—only in the situation where we are not actually able to build a criminal case. But it does come at a cost.

Mr. DENT. Do you believe we should have more collaboration between local and State law enforcement and Federal immigration enforcement?

Mr. DINKINS. I think we actually have some very strong partners out there throughout the country, State and locals, partners. We have some great relationships, so I think that we are actually on a pretty solid basis.

Mr. DENT. Have you received and given or are you aware of any special guidance given to Federal immigration personnel with regard to enforcement efforts in these sanctuary cities?

Mr. DINKINS. No. It is more of a—there is no policy that we would issue. I mean, our job still remains the same, regardless of what the posture is of the local community.

Mr. DENT. So then, how are you dealing with cities that harbor illegal aliens, including criminal aliens that you were referencing, that fail to report their presence? They make arrests routinely, these local law enforcement entities. They make these arrests, and if they fail to share information that would be valuable to you, what do you do?

Mr. DINKINS. Well, I can tell you that it is a, I would say, risky business that they are participating in, and I say that because today you may arrest somebody, you may not know their status, and the next day they may create a felony and a crime against one of the individuals in your community. So we still go after, we still—regardless of what the posture is of the local community, our job remains the same wherever you are at in the United States.

Mr. DENT. So it seems that they are an impediment to efforts, then?

Mr. DINKINS. I wouldn't say an impediment, because it is our job, and we are going to do it with without the local assistance. So it doesn't impede us from doing it.

Mr. DENT. But their assistance certainly would be helpful, one would think.

Mr. DINKINS. In many cases we utilize them to collaborate with local law enforcement.

Mr. DENT. Now, Attorney General Goddard, does Arizona have sanctuary cities?

Mr. GODDARD. Mr. Chairman, Congressman Dent, I am not aware of anywhere the policy is not to cooperate fully with the Federal officials.

Mr. DENT. Even in Phoenix and Tucson?

Mr. GODDARD. Especially Phoenix and Tucson.

Mr. DENT. Okay. Good. How will the new Arizona law change local law enforcement practices in Arizona's communities?

Mr. GODDARD. Mr. Chairman, Congressman Dent, difficult to say. There is a very extensive article in today's Washington Post that takes one of the police chiefs, who is clearly in the hot seat. He is in Benson, Arizona, which is—you could say that sort of the focus of a lot of the traffic that you saw in the film goes through that area.

His evaluation, and I have to defer to the people on the ground, was that he was confused by it. He thought there were some Federal enforcement issues that he did not fully understand, and he didn't think his officers did. But he thought his job would be pretty much unchanged by the passage of Senate Bill 1070 in terms of the investigations and the issues that they were dealing with in Benson, Arizona.

Mr. DENT. Could you also explain the disconnect between the Federal Government filing a lawsuit to block implementation of Arizona's immigration law and refraining from taking action against so-called sanctuary cities that refuse to cooperate with Federal Government on immigration matters?

Do you understand that disconnect? I mean, a lot of us are troubled by this disconnect that this Federal Government is suing your State——

Mr. GODDARD. Right.

Mr. DENT [continuing]. At the same time seems to be ignoring the fact that there are sanctuary cities that don't particularly—are not interested or refusing to collaborate with ICE.

Mr. GODDARD. Mr. Congressman, I can only speak for my experience in Arizona, where we encourage all law enforcement to cooperate with the Federal authorities and to do their utmost to turn in criminal aliens when they are in their organization or when they are under arrest. So I am afraid I don't understand the question as to what the disconnect is that you are referring to.

Mr. DENT. Well, I mean, doesn't it bother you as the State's top law enforcement officer that your State is being sued for trying to complement Federal law enforcement while at the same time sanctuary cities are given a pass and are being ignored by our Justice Department?

Mr. GODDARD. You are speaking throughout the country?

Mr. DENT. Yes, throughout the country.

Mr. GODDARD. I would stipulate that there is perhaps an inconsistency there, Mr. Congressman.

Mr. DENT. One would think. Thank you.

I yield back.

Mr. CUELLAR. Thank you, Mr. Dent.

At this time I recognize the gentleman from New Jersey, Mr. Pascrell.

Mr. PASCRELL. Well, Mr. Chairman, it was my understanding when I got the invitation to this hearing today, as all the committee Members had, what we were going to discuss. I am glad that the attorney general of the State of Arizona has come before us in the most professional way.

I know that you have to defend, basically, what the officials in your State—that is your job and your sworn duty. But I must say you have presented it in a very, very professional way to the questions that we should be talking about. That is smuggling.

I did not know we were coming here to portray liberals, conservatives, Democrats, Republicans, and their reactions to—I am not going to be trapped—I am not going to be trapped into that situation. This is something for all of us, not just Arizona. I am reluctant to criticize your State about that for a number of reasons.

Although I believe that not only we should be concerned with smuggling, but the exploitation of these folks that are coming across the border, and I think the attorney general would agree with me on that count. We had 8 years of very little work being done to find, arrest employers who hired these illegal aliens. So what is good for the goose is good for the gander. There is a lot more than simply films to see who is coming across the border.

Let me ask you a question, by the way, Mr. Dinkins. How many of these 3,300 people that we are talking about here in that period of time which the report focused on have come from nations of interest like Afghanistan, Pakistan, Iraq, Iran? How many of them have come from those countries of the 3,300?

Mr. DINKINS. Sir, I don't have any breakdown on that specifically. I can look and see if we have captured that information, but I don't have that.

Mr. PASCRELL. Mr. Fisher.

Chief FISHER. Sir, I wouldn't know the breakdown of that 3,000 as well.

Mr. PASCRELL. Mr. Stana.

Mr. STANA. No, I don't have the number. I know about 5 percent of the apprehensions are OTMs, but within that I am not sure of the exact number.

Mr. PASCRELL. So we are talking about nations that are definitely troublesome to us—worse than that—that some of them harbor terrorists. Some of you used the word "terrorists" and I thought maybe we are going to find out something we didn't know today.

Can any one of the panel tell me the terrorists that we have captured among those 3,300 people? Does anyone have any information along those lines?

Ms. Kephart.

Ms. KEPHART. Actually, I asked that information in my FOI request nearly a year ago, and I was denied that information, being told it was too sensitive.

Mr. PASCRELL. Could you get that back to us, Mr. Dinkins, if at all possible?

Mr. DINKINS. Yes, I will.

Mr. PASCRELL. I would appreciate that.

We have got to have—and I think the attorney general said so, and some other people have highlighted—we have to have performance measurements. There is no excuse for that, because we can't make comparisons. If you are going to have a baseline, you know, how are you going to see whether you are doing better or doing worse? Simply putting more people on the job does not make it necessarily, as Mr. Stana pointed out, accomplish what we want to accomplish.

I am interested also in the trafficking of guns and weapons across the border. Mr. Attorney General, can you tell us anything about that?

Mr. GODDARD. Mr. Chairman, Congressman Pascrell, I can tell you a little. We undertook a couple of years ago, along with Alcohol, Tobacco, and Firearms, the prosecution of a number of gun dealers who were using straw buyers, specifically individuals who signed the forms in violation of Federal law and never actually picked up the gun. They had a third party come in, choose the gun, and then transport it to Mexico.

We prosecuted several of those cases successfully. One, unfortunately, did not result in a conviction, but we were able to seize the gun store proceeds because of the illegal activity that it had been involved in. So we are very aware that a very large number of the military grade weapons that end up in the hands of cartel members, unfortunately, are sold in the United States.

Mr. PASCRELL. Thank you.

Mr. Dinkins, who is doing the smuggling? Who is controlling the operations? Is that United States citizens? Is it United States nationals? Is it undocumented aliens?

Mr. DINKINS. Sir, in reference to weapons smuggling?

Mr. PASCRELL. No. In respect to the smuggling of aliens across the border.

Mr. DINKINS. Predominantly, it is foreign nationals, and that is one of the challenges in addressing the financial component of the millions and billions of dollars that are made from human smuggling is most of that is generated outside of the United States from various organizations, who have a small piece of the puzzle, who are providing smuggling routes all the way from Africa and Asia all the way through to ultimately the United States, earning money along the way.

Mr. PASCRELL. Mr. Chairman, if I may conclude by simply saying that there is no excuse that the attorney general of the United States of America has not responded to the requests. We know what they need in terms of the seizures, these assets seizures. If we don't have the cooperation of the Justice Department, that is just not going to happen.

But I want some parity here. We are going to talk and we think that we are going to stop, whether it be a fence, whether it be the cockamamie system that they talked, you know, that they started to put into operation 5 years ago, which we spent so much money on that doesn't work.

Yes. And suddenly I turned.

But the point of the matter is we need the cooperation from all agencies here. Aliens are not bad people. To portray them as that and paint with a wide brush does not bring us closer to the solution. So I am here to be of help to the State of Arizona, and I am sure all of us are. But there is no Democratic or Republican way to solve this problem.

Mr. CUELLAR. Thank the gentleman from New Jersey.

They will call us to vote in a couple of minutes, so if nobody else joins us—there are three Members left; 5 minutes apiece and we will, you know. As you know, the first vote is 15 minutes, so if we can try to stick to the 5 minutes, we will cover everybody.

So at this time I recognize the gentlewoman from Arizona, Mrs. Kirkpatrick, for 5 minutes.

Mrs. KIRKPATRICK. Thank you, Chairman Cuellar, and thank you for this hearing.

Chairman Thompson, I thank you again for your trip to Arizona. I continue to hear from folks you met with that day how appreciative they are to have had an opportunity to talk with you about this problem.

It is a busy time in Arizona, Attorney General. Thank you very much for coming to Washington and appearing before this committee. As you know, border security and immigration are among the most important issues that our country faces right now, and growing more and more serious for Arizona. I think we are Ground Zero for this issue, and I know we have been talking about it for years and years and calling on the Federal Government to fix the problem and secure the border.

I very much appreciate your distinction between border violence in Mexico, where it is going up, and border violence in Arizona, where it is going down. I think it is important to remember that in the context of the discussion. I also really appreciate your effort to keep that from spilling into Arizona, and I wish that maybe first you would explain the burden on State and local law enforcement because of the Federal Government's refusal to fix this problem.

Mr. GODDARD. Mr. Chairman, Congresswoman Kirkpatrick, thank you very much. Well, first there is cost. The incarceration of criminal aliens costs the State literally hundreds of millions of dollars every year, and the SCAAP funds that are supposed to flow have not. That is a continuing source of both pain—financial pain, because we have by far the disproportionate number of those individuals to hold in incarcerated fashion.

But it is also a sense of great resentment. When earlier the talk about Senate Bill 1070, I think that is kind of a touchstone that has led to that reaction in the State of Arizona.

Mrs. KIRKPATRICK. I am happy to hear the administration is going to start this surge of manpower to the border. To what extent do you think that is going to help? Do you think it goes far enough? What more needs to be done?

Mr. GODDARD. Thank you, Mr. Chairman, Congresswoman. I absolutely support it. We are grateful for the help. What I would plead for to this committee and to Congress is that we provide the kind of evaluative standards that have been discussed in this hearing, the ability to say how you measure progress.

A lot of talk has been made, and I am afraid a lot of words have been wasted, talking about securing the border without defining what that means. I can't applaud more what the GAO has said. We need objective standards.

I have one. We know who the leaders of the Mexican drug cartels are, and unless we can, in jointly working with the criminal authorities in Mexico, take those cartel leaders out and dismember their organizations—and we have lots of experience doing that in the United States going after organized crime—we need to do it on a bi-national basis.

I hope that can be one of the objective standards. Every time we arrest and incarcerate a leader in a cartel operation, we will have moved closer to real border security.

Mrs. KIRKPATRICK. Thank you. I also appreciate your efforts in shutting down the money. I know shutting down the wiretapping was a huge step in that direction. I introduced a bill that would stop the prepaid cash cards from going across the border. I think you said $40 billion is going south. What other things do you think we should address to stop that?

Mr. GODDARD. Thank you, Mr. Chairman, Congresswoman. It is approximately 40 between human smuggling—I may not be too confusing here—human smuggling is maybe a $2 billion industry, significant but dwarfed by comparison with drug smuggling, which is, according to estimates that I have seen, between 35-plus. So that is a huge amount of money.

I believe the combined—the Ranking Member mentioned a minute ago combining all the resources of the country. Certainly, through the Bank Secrecy Act and other antiterrorism efforts, we

can find out where this money is flowing, and then make every effort to stop it.

I thank you for your efforts to stop the stored value instruments as being one measure of moving money across the border. Right now you can take a card that has a stored value in excess of $10,000, walk across the border with that, and there is nothing in the American law, nothing in U.S. law or regulations that make that an illegal act. I think it should be.

Mrs. KIRKPATRICK. I heard from the Border Patrol agents when I was at the border that they see this happening, and there is nothing they can do about it, which is why I introduced a bill that—again, thank you very much for your testimony.

Mr. GODDARD. It is a gaping hole in our security fabric that so much money goes virtually unimpeded across the border to the illegal cartels.

Mrs. KIRKPATRICK. I agree.

I yield back.

Mr. CUELLAR. Thank you, gentlewoman from Arizona.

This time I recognize my colleague from Texas, Mr. Green. Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman.

I thank the witnesses for appearing.

I especially want to thank those who serve on the front line for what you do. It means a lot to us to know that you are there, performing a difficult task under exceedingly difficult circumstances.

Mr. Attorney General, if I may, I would like to visit with you for just a moment, because there are some things that I think we need to put in the record that I am confident I know the answer to, but I think it is good to place these things in the record.

Mr. Attorney General, you believe in the Constitution of the United States of America, do you not? You do?

Mr. GODDARD. Mr. Chairman, thank you, Mr. Green——

Mr. GREEN. Can you just—formality—for my purposes, because I have little time.

Mr. GODDARD. May I just say yes or no?

Mr. GREEN. Yes, sir, if you would.

Mr. GODDARD. Yes, sir.

Mr. GREEN. Okay. I know you do, and I just want it for the record. You believe that enforcement of the Constitution is of paramount importance, do you not?

Mr. GODDARD. I do.

Mr. GREEN. Would you agree that you are duty-bound to challenge laws that you perceive to be unconstitutional as they relate to your State as the attorney general for the great State of Arizona?

Mr. GODDARD. I make every effort to do so, yes, sir.

Mr. GREEN. Do you also agree that the attorney general of the United States of America is duty-bound to challenge laws that he believes to be unconstitutional as they relate to the United States of America?

Mr. GODDARD. Congressman Green, you are——

Mr. GREEN. I am asking you——

Mr. GODDARD. Excellent questioning.

Mr. GREEN. It is an excellent question, and I——

Mr. GODDARD. Fortunately, you are not actually——

Mr. GREEN. Excuse me, if I may. It is really a very simple question. It is as simple as the question that I posed to you as the attorney general for the great State of Arizona. You are duty-bound to challenge what you perceive to be unconstitutional laws, are you not?

Mr. GODDARD. I am, sir.

Mr. GREEN. Why would you not, if you have a difference in opinion, because I think the attorney general of the United States of America has a similar duty, why would you not assume that the attorney general of the United States of America is duty-bound to challenge laws that he perceives to be unconstitutional as the relate to the United States of America?

Mr. GODDARD. Congressman Green, I believe the attorney general of the United States must do, in furtherance of his own, everything that he believes necessary to——

Mr. GREEN. And pursuant to the Constitution.

Mr. GODDARD. I may disagree with him on interpretation.

Mr. GREEN. You can disagree as to what he thinks, but if he genuinely is a man of honor, sworn to uphold the Constitution of the laws of the United States of America, if he genuinely perceives a law to be unconstitutional, does he not have the duty to challenge that law, just as you have a duty to challenge laws that you perceive to be unconstitutional?

Mr. GODDARD. Congressman Green, if that is his sincere belief, he has no choice.

Mr. GREEN. So you would also agree, I think, that one of the things that separates the United States of America from many other places around the world is the way we resolve our disputes. We go into a third party. We have the Executive and then we have the Legislative and then we have the Judiciary. We go into that third branch of Government. We take our disputes there. Whether we agree with the results or not, we respect the results from the judiciary, do we not?

Mr. GODDARD. Yes, sir.

Mr. GREEN. That separates us from so many other places in the world, where they use automatic Kalashnikovs, commonly known as AK–47s with a muzzle velocity that can cut a person in half. They use automatic Kalashnikovs to resolve their disputes. We don't resort to that kind of barbaric behavior. Some do, but in the main we don't do that.

The reason I call this to your attention, Mr. Attorney General, is because when I hear people saying the attorney general should not file a lawsuit, that we ought not be suing Arizona, it is wrong to sue Arizona, if the attorney general of the United States of America perceives a law to be unconstitutional, he is duty-bound to do what he is doing, is he not?

Mr. GODDARD. Congressman, the way you phrase this——

Mr. GREEN. Is he duty-bound to do this?

Mr. GODDARD [continuing]. The answer is yes. There are many things——

Mr. GREEN. Yes, okay. Well, I phrased it this way, because we want to talk about the Constitution of the United States of America. That is what this is all about. If you were the attorney general

of the United States of America and you thought a law to be unconstitutional, would you be duty-bound to challenge that law?

Mr. GODDARD. Yes, I would.

Mr. GREEN. Why can they not accord the same integrity, the same honor, the same measure of truth and veracity to this attorney general that we would accord you? Rhetorical question you need not answer. Let me——

Mr. GODDARD. Thank you, Congressman.

Mr. GREEN. Okay. Finally, let me share this. The gentleman from the GAO has indicated that we need a comprehensive plan, strategic plan. I think that is the exact quote—comprehensive, strategic plan, correct?

Mr. STANA. Strategic plan framework——

Mr. GREEN. All right. Quickly, let us do this. Do you agree that in a comprehensive, strategic plan we should deal with the guns that flow south?

Mr. STANA. Yes.

Mr. GREEN. Mr. Attorney General, have you made any recommendations in terms of what we should do—I read your testimony; I didn't see any here—as to what we should do to stem the tide of guns flowing south? I know you have taken affirmative action, for which I salute you, but there are things that we may be able to do to tweak the law.

Have you made any recommendations? You said you had this gun show or gun exhibit or something that you worked with and you prosecuted, and you were unable to get at that. But do you have recommendations to deal with the guns? I have not heard recommendations to deal with the guns. Who has a recommendation to do with the guns?

Mr. GODDARD. Mr. Congressman——

Mr. GREEN. Let the record reflect that no one has responded, which in my opinion means that no one has a plan that they are recommending to do with the guns.

Mr. GODDARD. Mr. Congressman, I am just a State official, but certainly the straw-buyer problem——

Mr. GREEN. Well, you are a State official that—excuse me, if I may. You are a State official, but you still recommend a means by which we deal with the money transfers. All right, why are you now going to be just a State officials when it comes to the guns?

Mr. GODDARD. Because I am not an authority on that level of a National problem.

Mr. GREEN. Well, you were a State official that wanted to follow the money——

Mr. GODDARD. I think I may be——

Mr. GREEN [continuing]. Until you decided——

Mr. GODDARD. The straw buyers are a significant problem——

Mr. GREEN. I understand.

Mr. GODDARD [continuing]. And I hope that this Congress can take a better——

Mr. GREEN. I understand. I understand. My time has expired, but I do want to thank you. Listen, I believe you to be an honorable man—all of you. So please accept what I have said as one American who wants to uphold the Constitution that makes this country the great Nation it is.

Thank you very much.

Mr. CUELLAR. Thank the gentleman from Texas for his line of questions.

Members, they called us for votes. We have got about 12 minutes, 12 minutes 30 seconds. Again, I want to make sure that we give Mr. Mitchell and Ms. Jackson Lee the time for the questions. I am going to ask Members to please try to stick to the 5 minutes so we can go, because it would be very difficult to come back after votes.

So at this time I will recognize the gentleman from Arizona for 5 minutes. Mr. Mitchell.

Mr. MITCHELL. Thank you, Mr. Chairman. Thank you for allowing me to join this battle.

The question I have is with Mr. Stana. Before I begin, I just want to thank you again and also Mike—Mr. Dino—for the work that you have done and your team over at the GAO for all the hard work they have put into this report.

Mr. STANA. Thank you, sir.

Mr. MITCHELL. As you know, I am especially concerned about the epidemic of drop houses. We have literally hundreds of them in the Phoenix metro area, and they are dangerous magnets for violent crime. The GAO report notes that authorities have been frustrated by the existence of a loophole in the Federal law that prevents them from using civil forfeiture to seize homes used as drop houses.

Under current law they can use civil forfeiture to seize vehicles, even airplanes, even votes, but not the actual houses that are being used for drop houses. As you know, earlier this week Representative Brian Bilbray and I introduced a bipartisan bill to close that loophole and allow authorities to use civil forfeitures to these houses whose homeowners knew or should have known that their house is being used as a drop house.

I was hoping that you might be able to explain a little more detail about why this extra authority is so important.

Mr. STANA. It is important, because oftentimes alien smuggling organizations use these drop houses to hold the aliens that are not owned by a member of the drug smuggling organization. They are rental properties. In order to establish that the person who owns the rental property is fully knowledgeable about what is going on in that house and is part of this criminal activity is a very high bar.

By going to a civil asset forfeiture law, you would not have to establish that the owner of the property was fully aware of the illegal activity going on inside and was complicit in it. You could seize the property rather than charge the owner, and then at a later time you would sort out his complicity or non-complicity.

It is extremely important in this case. You may have read in that report that a SAC in the Phoenix district had a map on his wall when we visited with 300 pins in it—city of Phoenix, 300 pins—knew that each pin represented a stash house that he couldn't touch. He said if he had civil asset forfeiture authority, he could at least address some of them.

Mr. MITCHELL. One last question very quickly. The GAO recommends that ICE examine investigative techniques employed by

the Arizona attorney general and his task force. Specifically, did GAO recommend that ICE study the way in which the task force followed financial transactions at wire transfer companies like Western Union? Can you explain how the GAO thinks this information could be used by Federal law enforcement to disrupt alien smuggling?

Mr. STANA. We discussed with the ICE people in the field how they used their financial investigative resources, and what we found is they do it in a rather unsophisticated way, sort of episode-by-episode, case-by-case.

What Arizona has done is mine the data, much like credit card companies do, to see if people who are abusing maybe stolen credit cards, to identify patterns and connect dots, and to see where some illegal activity may be. That is the kind of activity that is proactive, mines the data and these criminal activities by certain structured transactions, which we think is really important.

Mr. MITCHELL. Thank you.

Just one last question to the attorney general. Again, thank you for taking time to be here. I was wondering if you had any recommendation for both how specifically you think ICE could make use of both the techniques that you developed as well as the wire transfer data that you have secured from Western Union and other wire transfer companies.

Mr. GODDARD. Thank you, Mr. Chairman, Congressman Mitchell. I just want to urge in the most urgent terms that this committee and this Congress make it clear that this is—GAO has recommended a study.

What we do works. What we have done in the State of Arizona all by ourselves has identified millions of dollars of illegal money transfers, and we have seized many of them, and we have changed behavior. ICE can profit from that immediately.

We now from Western Union have all of the information on both sides of the border involving wire transfers. Using our statistical analysis, we can determine where the hotspots are. From there we can find out where the most likely illegal transfers are. Then we can go forward and either seize them or use it as an investigative lead.

I really want to emphasize this, because one of the great ways that we have been able to use the wire transfer information is to follow the money. Literally, you follow it to the drop house and from the drop house to the leader of the local organization and from the leader of the local organization to the people who are controlling them, often in Mexico.

We can take down the whole organization. That is what we need, together with ICE, to be doing border-wide. We have been doing it in Arizona, but the cartels simply move their operations to other States or other parts of the country where they are not being watched.

So it has to be a border to border—I mean, excuse me—the entire border, the whole 2,000 miles, needs to be subjected by ICE, I would submit, to an analysis of all the wire transfers. That will stop the illegal movement of money by wire. It won't stop it all, because they have other methods at their control, like stored value

cards, but let us cut out the movement illegally of money across the border by wire.

Mr. MITCHELL. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank the gentleman from Arizona.

Members, we have 6 minutes and 42 seconds, and I do want to finish with the two remaining Members. I would ask them to try to stick to the 5 minutes.

At this time I recognize by attendance order. It will be the gentlewoman from California, Ms. Sanchez, and then we will finish with Ms. Jackson Lee from Texas.

Ms. SANCHEZ. Thank you, Mr. Chairman.

I have a question. Can someone on the panel—I don't know; maybe it is Homeland Security or maybe it is CBP—tell me how many known terrorists have we captured crossing from the northern border?

Chief FISHER. Congresswoman, I do not know off the top of my head. I can find out.

Ms. SANCHEZ. More than one?

Chief FISHER. I beg your pardon?

Ms. SANCHEZ. More than one? I am thinking specifically of the millennium bomber——

Chief FISHER. Yes.

Ms. SANCHEZ [continuing]. That came across Seattle and came to Los Angeles. Okay. Do you know how many have come from across the southern border?

Chief FISHER. Not so in my head, ma'am, no.

Ms. SANCHEZ. Okay. If you could give me those numbers, because I think it is a "none" from the southern border that we found, and I think it is several from the northern border.

I also want to ask you, because people have been saying that the Federal Government has done nothing to work on this issue of people coming into our country without the right documents or illegally. Can you tell me what, Chief, what you have seen and what ICE has seen in the last, let us say, 3 or 4 years with respect to our efforts?

Or has Congress helped you in any way? Have we put more positions on for you? Have we given you more money? Have we put more pilot programs? Have we done nothing?

Chief FISHER. No, you have not done anything, and yes to all of the above. We thank you for the support.

Ms. SANCHEZ. For example, I think over the last 5 years, more or less, you have grown from about a 4,000-person entity to maybe about 20,000 positions. Is that correct?

Chief FISHER. Yes, ma'am.

Ms. SANCHEZ. A majority of that is placed at the southern border, is it not?

Chief FISHER. That is correct, yes.

Ms. SANCHEZ. Okay. What about ICE? What new programs, what new monies—have we done nothing to try to stem this illegal crossing going on either on the southern or northern border or at all our coastline, which is immense, where people are coming in through the airport?

Mr. DINKINS. Absolutely not, ma'am. This committee and the Federal Government have given ICE a lot of resources. Just this last year we have sent 160 additional agents to the southwest border alone, so we have done great. We have been receiving funding for border enforcement security task forces, BEST task forces. Ten of those are on the southern border, so there has been a lot of action in the last few years, absolutely.

Ms. SANCHEZ. Thank you, gentlemen.

Now, I will probably ask the same question of our good friend from the GAO and more importantly, maybe, that question of has it been effective.

Mr. STANA. The Government has put countless billions of dollars into border enforcement—you know, more people, fencing, cameras, sensors and so on. The apprehension rates have gone up, so you can't say that nothing has been done. Of course, being from the GAO, were always looking for opportunities to do things better, and there are opportunities to do things better. But it is not accurate that nothing has been done.

Ms. SANCHEZ. Thank you. I appreciate that.

I yield back the rest of my time, Mr. Chairman.

Mr. CUELLAR. Thank you very much. Thank the gentleman from California.

At this time I recognize our last questioner, Ms. Jackson Lee from Texas. Thank you.

Ms. JACKSON LEE. Chairman, thank you very much. As we are monitoring the floor for the number of Members voting, let me rush to my questions and follow the line of questioning from the gentlelady from California and ask both ICE and Customs and Border Patrol, if you will—I call it Patrol, but Protection, CBP—to provide me what you are doing with all those resources.

Mr. Fisher? Why did we get the GAO study that indicates that we have been less than altogether effective with respect to alien smuggling?

Chief FISHER. Well, coached that way, ma'am, I would not agree that we are not effective with the combination of that personal technology and infrastructure over the year. We have seen success. We have seen efficiencies. We do have metrics on how we compare and contrast that. Given the time, I won't go into the detail, but——

Ms. JACKSON LEE. So what do you take issue with the GAO's presentation?

Chief FISHER. Well, to suggest that with all the increased resources that U.S. Customs and Border Protection has done nothing and hasn't seen any increases, whether in efficiency or effectiveness, I would not agree with that. We have——

Ms. JACKSON LEE. So point to some examples.

Chief FISHER. Some of examples is level of activity, which means that the amount of people that are trying to enter this country in between the ports of entry, those detected entries have gone down. The number of people that we have——

Ms. JACKSON LEE. Can you provide the committee those numbers? I don't know if they are in your testimony, and I apologize. I would like to see those numbers on a graph.

Chief FISHER. Absolutely.

Ms. JACKSON LEE. Let me ask the gentleman from ICE. I thank you for your service. I think it is important to see concrete numbers, because we all have pushed legislation to increase your numbers.

Gentleman from ICE, let me first of all thank you for understanding that rays don't work and you have a new procedure in dealing with employers. But I understand that you have been called by local jurisdictions to run here and run here. How can you leverage yourself to be more effective——

Mr. DINKINS. Yes, and that is——

Ms. JACKSON LEE [continuing]. On alien smuggling?

Mr. DINKINS. Yes, ma'am. That is really where the GAO report hits at home is that we do have some responsibilities within the Office of Investigations, Homeland Security investigations at ICE that probably could be handled better over detention and removal. We have been making stages. I have commissioned a study to see not only along the southwest border, but a lot of those need to be done across the entire United States.

Ms. JACKSON LEE. Will you have within a period of time—and I yield to the Chairman for the time frame—a report on the measures that you have made and actual success graphs showing increase in dealing with alien smuggling, increase in the success of capturing alien smugglers? Can you provide us with that?

Mr. DINKINS. Yes, I can.

Ms. JACKSON LEE. Let me move to the GAO, because we are—what is the crucial point that you want to make to us as members of what should be leveraged in terms of the resources?

Mr. STANA. I would say three things. First and foremost, I would look to advancing their financial investigative techniques. I think you have got to attack the money streams that go to these criminal organizations.

Secondly, I would make sure that the people that they have on the roles are doing their job the most effective way that they can. All too often we see instances where they are doing non-investigative work. Hiring, training, and employing criminal investigators is expensive, and you don't want them just papering suspects.

The third thing is I think it is crucial that they get performance measures in place so they can see how well they are doing, what is working, what is not, what you should improve, and what you just ought to kill.

Ms. JACKSON LEE. Thank you.

Mr. Goddard, I am glad that you are here and sorry that you have to sit in the hot seat. I can very enthusiastically disagree with Arizona on its approach and on its law. I believe that you cannot help but engage in racial profiling even as you have amended the law. I assume that—are you counsel in the court as relates to the case that our U.S. attorney, United States attorney general has?

Mr. GODDARD. Mr. Chairman, Congresswoman Lee, I am not, by rather unusual act of the Governor of Arizona, who wanted to take that defense and hire the lawyers yourself, so——

Ms. JACKSON LEE. So she is using outside counsel?

Mr. GODDARD. I recused myself from the defense.

Ms. JACKSON LEE. All right. Well, maybe it is because of the integrity that you have.

But let me just indicate that you have done well on helping with the money-laundering issue. My question is if this law was to prevail, what role does the attorney general of Arizona have in its enforcement? If the law that was passed that I consider to be racial profiling, what role do you have in that enforcement?

Mr. GODDARD. Mr. Chairman, Congresswoman, an excellent question. Obviously, we oversee and work with the county attorneys, who are the primary actives in terms of criminal prosecution. But this is primarily for the law enforcement on the ground, for the officers and the deputy sheriffs. So I can't say we have no role, but it would be limited probably to receiving complaints, if there were any, as to anyone felt that they had been unfairly arrested are treated.

Ms. JACKSON LEE. Will you uphold that component of the responsibility vigorously?

Mr. GODDARD. Yes, ma'am, I will.

Ms. JACKSON LEE. Let me just yield back, Mr. Chairman, and indicate that the attorney general is correct in his approach for challenging what is a vile and unconstitutional approach to immigration reform. I believe the Congress has an obligation to help you to help the men and women who are before us, those in law enforcement, and pass comprehensive immigration reform, and pass it now. I yield back.

Mr. CUELLAR. Thank the gentlewoman from Texas, Ms. Jackson Lee, for her line of questioning.

At this time—I see there is time remaining for our votes, so we are going to be leaving at this time. But I do want to thank all the witnesses for the valuable testimony and for the Members for their questions.

The Members of this subcommittee may have additional questions for the witnesses, so I would ask you to, you know, please respond as soon as you can. Again, we want to thank all of you all.

To the attorney general, welcome again to the District of Columbia, and have a safe trip back.

To all the witnesses, thank you. We appreciate all the work that you do for our great country.

At this time, hearing no further business, the subcommittee stands adjourned.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

○