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GUNS, DRUGS AND VIOLENCE: THE MERIDA INITIATIVE AND THE CHALLENGE IN MEXICO

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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GUNS, DRUGS AND VIOLENCE: THE MERIDA INITIATIVE AND THE CHALLENGE IN MEXICO

WEDNESDAY, MARCH 18, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:13 p.m., in room 2172, Rayburn House Office Building, Hon. Eliot L. Engel (chairman of the subcommittee) presiding.

Mr. ENGEL. Good morning. A quorum being present, the Subcommittee on the Western Hemisphere of the Foreign Affairs Committee will come to order.

I want to start today's hearing with a brief anecdote from my recent trip to Mexico. Over Presidents' Day recess, I led a bipartisan congressional delegation to Mexico, along with six of my colleagues. One of my main goals for this trip was to focus on ways that the United States and Mexico can enhance cooperation in combating this scourge of illegal firearms trafficking from the United States into Mexico.

My very first meeting in Mexico City was with the attorney general, Eduardo Medina Mora. After the meeting, the attorney general led my delegation into an adjacent room where he had pulled together just a small sampling of the many guns that were captured in that week alone. You can see this on the screens on either side of the hearing room.

Of course, the majority of these military-style assault weapons could be traced back to the United States, and many could be even further traced back to countries in Eastern Europe or even China.

The availability of assault weapons has armed and emboldened a dangerous criminal element in Mexico and has made the job of drug cartels easier. A shocking 90 percent of firearms recovered in drug-related violence in Mexico come from the United States.

I have been outspoken on this issue, over the last 2 years, and I will continue to do everything that I can to increase U.S. efforts to curb gun trafficking into Mexico.

I want to reiterate that this has nothing to do with Second Amendment rights. It has nothing to do with the discussion of differences of opinion of people who should own guns or not. This is simply about cracking down on the illegality of these assault weapons coming into the United States illegally being manufactured to change a little bit in terms of what the firearms are, making a minor change in the firearms, and then illegally sending them south of the border into Mexico. It has got nothing to do with Sec-

ond Amendment gun rights; it has got everything to do with the illegality and disobeying laws that are already on the books.

On February 12th, I sent a letter to President Obama, signed by a bipartisan group of 52 of my colleagues, urging him to once again enforce the ban on imported assault weapons, which was previously enforced during the administrations of Presidents George H.W. Bush and Bill Clinton.

In recent years, the Bureau of Alcohol, Tobacco, Firearms and Explosives has quietly abandoned enforcement of the import ban. As a result, the U.S. civilian firearms market is flooded with imported, inexpensive, military-style assault weapons. These assault weapons, again, which often come from Eastern Europe, are being trafficked from the United States across the border into Mexico.

To get around the ban, importers have been able to skirt restrictions by bringing in assault weapons parts and reassembling with a small number of U.S.-made parts.

Enforcing the existing import ban requires no additional legislative action and would be a win-win for the United States and Mexico.

By the way, when we were in Jamaica, the Prime Minister of Jamaica told us the same thing, that about 90 percent of the crime committed in that country is done with U.S.-made weapons.

To show our commitment to curbing firearms trafficking from the United States to Mexico, I also urged the Senate Foreign Relations Committee to take up the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms Ammunition, Explosives, and Other Related Materials, which is called the CIFTA Treaty, and they ought to do that as soon as possible. To expedite the process, I urged the administration to begin consultations with the committee on the treaty immediately.

We must also step up ATF operations along the Southwest border, and I am proud to see Congresswoman Giffords here as well, who represents a large part of that area in Arizona.

I am a co-sponsor of the Southwest Border Violence Reduction Act of 2009, a bill introduced by my friend and colleague, Ciro Rodriguez, who also has a district that is along the Texas-Mexico border, which would increase ATF resources along the border.

The recently passed economic stimulus package will add $10 million in ATF resources to the border region, but with thousands of licensed gun sellers along the border, much more needs to be done.

I would like to take a step back from the firearms issue for a second and focus more broadly on the precarious security situation in Mexico and along the United States-Mexico border.

Drug-related killings in Mexico reached around 6,000 last year, and the United States press clearly is taking note of the alarming situation.

I have met with President Calderon three times over the past 6 months. I am impressed by his courage in taking on Mexico's drug cartels and his commitment to strong United States-Mexico relations. I have been one of the strongest supporters of the Merida Initiative in Congress and will continue to be in the coming years.

But, let me emphasize today, as I have in the past, that we cannot focus exclusively on Mexico as we look to combat drug trafficking. We must take a more comprehensive, hemisphere-wide ap-

proach to the problem. The inclusion of Central America in the Merida Initiative was a good first step, and I urged that step, and I urged the funding for Central America, and we did really well, in terms of getting more funding for Central America.

Congress's expansion of Merida to Haiti and the Dominican Republic was very, very important, and I pushed for that and supported it as well, but funding must be increased for the countries in Central America and must be further expanded in the Caribbean.

At the same time, much more needs to be done to reduce the U.S. demand for drugs. Obviously, if we did not have a demand for drugs in this country, the cartels would not thrive. Not only do our weapons arm Mexico's drug cartels, but our consumption habits fuel the drug trade. Let us make no mistake about that.

Just as the Merida Initiative was announced, and the United States-Mexico joint statement was put out saying that the U.S. would intensify our efforts in addressing the demand question, President Bush released his Fiscal Year 2009 budget, which cut spending for U.S. drug-prevention and treatment programs by $73 million. This was completely unacceptable.

I was encouraged by President Obama's selection of Seattle Police Chief Gil Kerlikowske as our new Drug Czar. In his remarks accepting the nomination, Kerlikowske said, "The success of our efforts to reduce the flow of drugs is largely dependent on our ability to reduce demand for them." I could not agree more.

I am now pleased to mention that we have two distinguished witnesses from the State Department, David Johnson, who is assistant Secretary of State for International Narcotics and Law Enforcement Affairs; and Roberta Jacobson, who is deputy assistant Secretary of State for Western Hemisphere Affairs.

I am sure, as the months and years go on, we will be working with them a great deal. I look forward to hearing your testimony, and I will save introductions of our second panel for later. But with that, I would now like to call on our ranking member, Connie Mack, for his opening statement.

[The prepared statement of Mr. Engel follows:]

Opening Statement
Chairman Eliot L. Engel

House Foreign Affairs Subcommittee on the Western Hemisphere

Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico

Wednesday, March 18, 2009

A quorum being present, the Subcommittee on the Western Hemisphere will come to order.

I want to start today's hearing with a brief anecdote from my recent trip to Mexico. Over President's Day recess, I led a bipartisan Congressional Delegation to Mexico with 6 of my colleagues. One of my main goals for this trip was to focus on ways that the US and Mexico can enhance cooperation in combating the scourge of illegal firearms trafficked from the US into Mexico. My very first meeting in Mexico City was with Attorney General Eduardo Medina Mora. After the meeting, the Attorney General led my delegation into an adjacent room where he had pulled together just a small sampling of the many guns that were captured in that week alone. Of course, the majority of these military-style assault weapons could be traced back to the United States, and many could be even further traced back to countries in Eastern Europe.

The availability of assault weapons has armed and emboldened a dangerous criminal element in Mexico, and it has made the job of drug cartels easier. A shocking 90% of firearms recovered in drug-related violence in Mexico come from the United States. I have been outspoken on this issue over the last two years, and I will continue to do everything I can to increase US efforts to curb gun trafficking into Mexico.

On February 12th, I sent a letter to President Obama – signed by a bipartisan group of 52 of my colleagues – urging him to once again enforce the ban on imported assault weapons, which was previously enforced during the administrations of Presidents George H.W. Bush and Bill Clinton. In recent years, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has quietly abandoned enforcement of the import ban. As a result, the US civilian firearms market is flooded with imported, inexpensive military-style assault weapons. These assault weapons – which often come from Eastern Europe – are being trafficked from the US across the border into Mexico. To get around the ban, importers have been able to skirt restrictions by bringing in assault weapons parts and reassembling them with a small number of US-made parts. Enforcing the existing import ban requires no legislative action and would be a win-win for the US and Mexico.

To show our commitment to curbing firearms trafficking from the US to Mexico, I also urge the Senate Foreign Relations Committee to take up the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms,

Ammunition, Explosives, and Other Related Materials (CIFTA) as soon as possible. To expedite the process, I urge the Administration to begin consultations with the Committee on the Treaty immediately.

I'd like to take a step back from the firearms issue for a second, and focus more broadly on the precarious security situation in Mexico, and along the US-Mexico border. Drug-related killings in Mexico reached around 6,000 last year, and the US press clearly is taking note of the alarming situation. I have met with President Calderon three times over the past six months. I am impressed by his courage in taking on Mexico's drug cartels, and his commitment to strong US-Mexico relations. I have been one of the strongest supporters of the Merida Initiative in Congress, and will continue to be in the coming years.

But, let me emphasize today, as I have in the past, that we cannot focus exclusively on Mexico as we look to combat drug trafficking. We must take a more comprehensive, hemisphere-wide approach to the problem. The inclusion of Central America in the Merida Initiative was a good first step, as was Congress's expansion of Merida to Haiti and the Dominican Republic. But, funding must be increased for the countries in Central America and must be further expanded in the Caribbean.

At the same time, much more needs to be done to reduce the US demand for drugs. Not only do our weapons arm Mexico's drug cartels, but our consumption habits fuel the drug trade. Just as the Merida Initiative was announced and a US-Mexico joint statement was put out saying that the US would "intensify our efforts" in addressing the demand question, President Bush released his FY 2009 budget that cut spending for US drug prevention and treatment programs by $73 million. This was completely unacceptable. I was encouraged by President Obama's selection of Seattle Police Chief Gil Kerlikowske as our new drug czar. In his remarks upon accepting the nomination, Kerlikowske said that "the success of our efforts to reduce the flow of drugs is largely dependent on our ability to reduce demand for them." I could not agree more.

I am now pleased to introduce our two distinguished witnesses from the State Department. David Johnson is Assistant Secretary of State for International Narcotics and Law Enforcement Affairs and Roberta Jacobson is Deputy Assistant Secretary of State for Western Hemisphere Affairs. We look forward to hearing your testimony. I will save introductions of our second panel for later.

With that, I now would like to call on Ranking Member Mack for his opening statement.

Mr. MACK. Thank you, Mr. Chairman. Thank you for your strong leadership in this subcommittee and for holding this important hearing today. I also want to thank our witnesses for coming and for sharing their insight and knowledge and thoughts on our relationship with Mexico.

The panels today will be discussing key issues relating to the escalating violence related to growing drug trafficking in the cartels in Mexico and how the Merida Initiative will help bolster not just the security but the security of the entire hemisphere.

There are several areas I would particularly like to focus with our witnesses today, but, before I do, I think it is important to highlight the hard work of President Calderon. This is a President who has taken the drug cartels head on and has not flinched in the fight to rid Mexico of these cowards.

This fight will not be an easy one, and I think that it is admirable that the Mexican Government and has undertaken a fight that many have shied away from.

As to our panel, I am curious to hear your thoughts on current funding for the Merida Initiative and where and how should the money be used. The Merida Initiative is an essential tool in the fight against drugs and crime. While I have been, and remain, a strong supporter of Plan Colombia, I recognize that many Members of Congress are divided over this, but no one can deny that drug trafficking in Colombia has been greatly reduced, and the violence in Colombia caused by the cartels and narcoterrorists, such as the FARC, have been overwhelmingly reduced.

As everyone is aware, in 2008, nearly 6,000 people were killed in Mexico due to drug-trafficking violence. This year alone, there have been more than 1,000 deaths. These numbers, and the growing strength and audacity of the cartels, mean that now, more than ever, Congress and the Obama administration must stand with our allies in Mexico and support full funding of the Merida Initiative.

This is not only a problem for Mexicans; this is a problem for Americans. You see, there is an interesting link between drugs and the instability of governments.

Consider Venezuela: Venezuela is a country that is a major trafficking route for drugs coming out of South America. Hugo Chavez has allowed narcotraffickers, such as the FARC and others, to operate freely, and, just this week, El Salvador elected a candidate whose party was closely affiliated with the FARC.

As the fight against drug cartels continues in Mexico, and men, like Hugo Chavez, roam around Latin America manipulating democracies, let us not let those cowardly thugs fill the void. Instead, let us stand with our allies and friends and help them in a time of need.

Mr. Chairman, another tool that is indispensable in fighting drugs and crime is strong commercial ties. My judgment is that the free flow of trade between two countries is the basic weapon one can use in fighting poverty, crime, and drugs. In my opinion, a continued and strong bond between our peoples can only lead to increased prosperity in both nations.

We, in Congress, must have an honest conversation when it comes to these issues. If we have concerns that deal with safety, then we must address these safety concerns and ensure that the

free flow of goods is reestablished. If we have other concerns, we must work together with our Mexican partners to fully address and, more importantly, resolve these issues.

Lastly, I wanted to touch upon a critical concern that will surely come up today and already has, and that is guns. Many have used the violence in Mexico to push their gun-control agenda. My constituents know that I am an ardent supporter of the Bill of Rights and, particularly, the Second Amendment. While we all know that the escalating violence in Mexico is a tremendous problem that must be decreased, we cannot allow people in this country to use the situation in order to advance their gun ban agenda here in the United States.

Instead of creating new laws and bans in this country, we should start enforcing the existing laws that are on the books.

As an example, Mr. Chairman, it is already against the law to smuggle guns across the border, and it is already against the law to use a straw man to purchase a gun in this country, but now is not the time punish law-abiding Americans and surrender our Second Amendment rights.

Mr. Chairman, all of us on this committee share the same objective: We want to see illegal drug trafficking eliminated.

As I hear our witnesses today, I will be paying close attention to their remarks on some issues that we touch on today and, more importantly, the testimony on how to improve the relations with Mexico and bolster the Merida Initiative. Thank you, Mr. Chairman.

[The prepared statement of Mr. Mack follows:]

Opening Statement
Ranking Member Connie Mack
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs
March 17, 2009

Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico

Thank you Mr. Chairman. Thank you for your strong leadership in this subcommittee and for holding this important hearing today.

I also want to thank our witnesses for coming and for sharing their insight and knowledge and thoughts on our relationship with Mexico.

The panels today will be discussing key issues relating to the escalating violence related to growing drug trafficking and the cartels in Mexico and how the Merida Initiative will help bolster not just our security but the security of the entire hemisphere.

There are several areas I would particularly like to focus on with our witnesses today. But before I do, I think it is important to highlight the hard work of President Felipe Calderon. This is a president who has taken the drug cartels head on and has not flinched in his fight to rid Mexico of these cowards. This fight will not be an easy one, and I think that it is admirable that the Mexican government has undertaken a fight that many have shied away from.

As to our panel, I am curious to hear your thoughts on current funding for the Merida Initiative and where and how should the money be used? The Merida Initiative is an essential tool in the fight against drugs and crime.

While I have been and remain a strong supporter of Plan Colombia, I recognize that many members of Congress are divided over this. But no one can deny that drug trafficking in Colombia has been greatly reduced and the violence in Colombia caused by the cartels and narcoterrorists such as the FARC has been overwhelmingly reduced.

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As the fight against drug cartels continues in Mexico, and men like Hugo Chavez roam around Latin America manipulating democracies, let us not let those cowardly thugs fill the void. Instead, let us stand tall with our friends and help them in their need.

Mr. Chairman, another tool that is indispensable in fighting drugs and crime are strong commercial ties. My judgment is that the free flow of trade between two countries is the basic weapon one can use in fighting poverty, crime, and drugs. In my opinion, a continued and strong bond between our peoples can only lead to increased prosperity in both nations. We in Congress must have an honest conversation when it comes to this issue. If we have concerns that deal with safety; then we must address these safety concerns and ensure that the free flow of goods is re-established. If we have other concerns, we must work together with our Mexican partners to fully address, and more importantly, resolve these issues.

Lastly, I wanted to touch on a critical concern that will surely come up today: guns. Many have used the violence in Mexico to push their gun control agenda. My constituents know that I am an ardent supporter of the Bill of Rights and in particular the Second Amendment.

While we all know that the escalating violence in Mexico is a tremendous problem and must be decreased, we cannot allow people in this country to use this situation in order to advance their gun ban agenda here in the United States.

Instead of creating new laws and bans in this country, we should start by enforcing the existing laws that are on our books. As an example Mr. Chairman, it is already against the law to smuggle guns across the border. It is already against the law to use a straw man to purchase a gun in this country. But now is not the time to punish law-abiding Americans and abrogate our Second Amendment rights.

Mr. Chairman, all of us on this committee share the same objective: we want to see illegal drug trafficking eliminated. As I hear our witnesses today, I will be paying close attention to their remarks on some of the issues I touched on and I look forward to their testimony and answers to our questions.

Thank you Mr. Chairman.

Mr. ENGEL. Thank you, Mr. Mack.

I now call on the vice chairman of our subcommittee, Mr. Sires, for any remarks he may have.

Mr. SIRES. Thank you, Mr. Chairman, for holding today's hearing.

Unfortunately, we are all aware of the thousands of killings that have occurred in Mexico over the last year, and we are also aware that these numbers are increasing, with over 1,000 murders already this year, and I am ashamed, as many of you are, that dollars and weapons originating in the United States play a large role in supporting these brutal attacks.

I believe we are all here today for one purport: To help Mexico and ourselves in this debilitating battle, and I am pleased to see that Congress is giving this issue the attention it deserves. Drug trafficking and the crime associated with it; it is an enormous obstacle facing the region, increasing violence and corruption and impeding economic and social development.

As violence continues and fear increases across the region, travel warnings have been issued and rumors of a failing state have emerged. While some rumors may not be valid, the seriousness of this crisis should not be downplayed.

Also, as we learned in the Andean region, an appropriate response cannot solely be focused on one country. We must be conscious of how focusing the majority of our efforts on Mexico may affect crime and violence elsewhere in the region.

Despite the economic challenges we are facing at home, we must continue to work with all of our neighbors to combat this region's crime, and I look forward to hearing from our distinguished guests, and thank you very much for being here.

Mr. ENGEL. Thank you, Mr. Sires. Mr. Burton, the former ranking member.

Mr. BURTON. Thank you, Mr. Chairman. It is nice to be with you again. The chairman and I get along very well and have for a long, long time, but occasionally we have a little disagreement here and there.

Mr. ENGEL. Only occasionally.

Mr. BURTON. Only occasionally. You know, the thing that bothers me—I am for the Merida Initiative, and I am for stopping the drug trafficking and stopping the illegal sale of weapons, but I want to tell you a little story.

Back when I first got elected to Congress, Washington, DC, the crime capital of the country, at that time, had the most severe gun control law in the country. I was riding in a cab to the Capitol, and I said to this cab driver, "Tell me about Washington." He said, "It is the most beautiful place around, but be careful when you get out on the streets." And I said, "Really? Why?" He said, "The crime is terrible."

I said, "Maybe I should get a permit to carry a gun. I had one Indiana when I was in business because I carried large sums of money from time to time." He said, "Oh, you will never get a gun here. You can't have a gun permit. The only people that have guns in Washington are the police and the crooks."

I said, "Oh, is that right?" and he reached under the front of his car, and he pulled a .38 out, and he said, "But if you want one, I can get you one in about 15 minutes."

Now, the reason I bring that story up is that there is going to be an attempt, this year and every year, to try to limit the sale of guns in this country, and my answer to that is, the criminals, if they have got the money, and the drug dealers surely do, they are going to find a way to get those guns. If they do not get them here illegally, and they are illegal, as my colleague, the ranking member, said, then they are going to get them someplace else.

They can get them from Venezuela, from Mr. Chavez, who has an excessive number of AK–47's down there; they can get them through Cuba; they can get them from China; they can get them from Russia; they can get them from all over the place.

So to start endangering America's Second Amendment rights by saying, "You know, we have got to stop the flow of these weapons because they are going across the border illegally," is a straw man, in my opinion. They are going to get the weapons, if they have got the money, and they can get them from other sources besides here in the United States.

In addition to that, let me just say that they are getting pretty heavy weapons that you do not get very easily in the United States. I would just like to ask our panelists today, where are they getting those weapons? If they cannot get them here in the United States, they must be getting them from somewhere: Rocket launchers and everything else.

In my opinion, they are probably getting them from the places I just mentioned a minute ago, probably through Venezuela or from China or from Russia or wherever else they manufacture these things.

So I think that we all ought to be very, very careful and considerate of the founders of this country and what they meant when they wrote the Declaration of Independence, the Constitution, and the Bill of Rights. I do not think we should be messing around with the Second Amendment.

I know the chairman has said that that is not the intention of the hearing, but we will leach into that area, and I just want to make sure that the position that I have is very well known, and I yield back the balance of my time.

Mr. ENGEL. Thank you, Mr. Burton.

I would like to ask all people—I am going to give everybody a chance to make an opening statement, but it we could keep it to 3 minutes or less, as the other people have, so I want to thank them all for making that effort. Mr. Green?

Mr. GREEN. Thank you, Mr. Chairman, for holding this oversight hearing because this is so important to those of us, particularly that represent border areas. As a supporter of the Second Amendment, we can still enforce our laws against exports without hindering my constituents from being able to buy whatever they want in Texas, under our Second Amendment. We just do not want them to export it because—I have said it many times—in Texas, we want all of those guns in Texas. We do not want to send anybody anything. We want to keep them ourselves.

As a Member of Congress from Texas, I know, firsthand, how dangerous the recent increase in drug trafficking violence is, and the fear along our border is palpable. In fact, I have crossed the border many times because of family that lives in South Texas.

Just last month, in Juarez, which is right across the border from El Paso, the police chief resigned after cartel gunmen left warnings on the bodies of slain police officers and prison guards that they would kill one every 48 hours until he resigned. He resigned. Three days after the police chief's resignation, a convoy of police vehicles escorting the Chihuahua state governor was fired upon, allegedly by cartel gunmen.

I hope we get some answers as to why it takes so long to help our neighbors fight a battle that they are willing to do. We do not have time to sit around and postulate, in general terms, about our counternarcotics strategy. We need to provide help to our neighbors.

In 2008, more than 5,600 people in Mexico were killed in drug trafficking violence, a 110-percent increase over 2007.

In the first 2 months of 2009 alone, this violence grew, with almost 1,000 drug-related murders in Mexico, 146 percent over the comparable period in 2008.

While Texas, New Mexico, Arizona, and California have a personal stake in curbing the violence on our border, the National Drug Threat Assessment states that these Mexican drug cartels have distribution capabilities in 230 United States cities. This problem affects all of us.

President Calderon has devoted billions of dollars and deployed thousands of troops and Federal police to curb the violence in the northern regions. We joined President Calderon in this fight when we appropriated money for the Merida Initiative last summer, but it seems to be taking forever to get these funds where they are needed.

It took over 5 months for the United States and Mexico to sign a letter of agreement allowing the first $197 million in Merida funds to be disbursed, and then, later, in December, the Governments of Mexico and the United States met to coordinate implementation of the Merida Initiative through a high-level group followed by a working-level group on February 3rd, with the aim of accelerating the implementation of 48 projects through nine working groups from Mexico under the Initiative.

Mr. Chairman, I know I am almost through with my time, but the last meeting was March 2nd, and I know there are things that we need to do very quickly to get assistance to our neighbors so that they can fight the battle because if they do not win that battle, it is going to be fought on our side of the Rio Grande River and not on their side. I yield back my time.

Mr. ENGEL. Thank you, Mr. Green, also under 3 minutes. Mr. McCaul?

Mr. MCCAUL. I thank the chairman. I will be very brief and save my remarks for my questions.

This issue is, in my view, one of the most important issues facing this nation, from a national security standpoint, the Merida Initiative, the cooperation with Mexico in combating drug cartel violence.

I would hope that we would focus on that issue and not focus on an agenda to place gun control laws in this country when we ought to be looking at the laws that apply to smuggling weapons south of the border into Mexico.

I am a former Federal prosecutor. I have prosecuted gun cases. It is currently a crime to do that. We ought to be enforcing that law that is on the book, and, with that, I will yield back.

Mr. ENGEL. Thank you, Mr. McCaul. Ms. Giffords?

Ms. GIFFORDS. Thank you, Mr. Chairman. I appreciate you having this hearing today.

There are 10 of us that have districts that are on the United States-Mexico border, and, Ms. Jacobson, I saw you last year at the Merida hearing, and, Mr. Johnson, thank you so much for being here today.

I had some real concerns with the Merida agreement, as it was first proposed, and I let those concerns be known to all of you and saw that we were able to improve the legislation to really have the accountability that is necessary.

I think U.S. taxpayers are willing to step up and take responsibility, obviously, for what happens on our borders but also to help our neighbors to the South, and we have a good, strong relationship with the Country of Mexico.

The concern about this Merida agreement, and, of course, we are going to be looking forward to hearing from you today, is really concrete information about how the initiative is working and how it is not working. For those of us who are in border regions, and, particularly, my sector, which is the Tucson sector, by far, the most porous part of the United States-Mexico border, last year, we seized about 30,000 pounds of marijuana; we arrested over 300,000 people, about 320,000. That was down from the previous year, where we were close to 400,000 people in just my sector.

So if you can also talk about the agreement, but also want we are doing, in terms of making sure that we have the resources on our side of the border, that would be incredibly important.

We know that guns are being trafficked from Arizona into Mexico. We have that information. I am really looking forward to getting a better, more concrete idea of, again, how Merida is working and not working, but, definitely, Mr. Chairman, we need to be able to explain that to our constituents back in our home districts. Thank you.

Mr. ENGEL. Thank you, Ms. Giffords. Mr. Smith?

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Unfortunately, there is a China briefing going on, and I will have to leave, although I would like to stay. I would like to ask our two distinguished witnesses, when you get to the Q&A part, and I know, Secretary Jacobson, you do mention it in your statement, human trafficking remains an insidious evil: Women and children used for sexual exploitation, as well as for labor trafficking.

Mexico, as we know, and the TIP report makes it very clear, is a large source, transit, and destination country for persons trafficked for the purpose of sexual exploitation and forced labor, and the number is put at about 20,000 children, according to the report. Organized criminal networks traffic women and girls from Mexico into the United States for commercial exploitation.

As I think you may know, I was the prime sponsor of the TVPA, back in 2000, and two of the reauthorizations. I have met with parliamentarians, Members of the Congress in Mexico on frequent occasions to discuss this. But I would hope that we would really, just as we do drug trafficking, which we talk about this all of the time, talk about what organized crime is doing to exploit children and women as well and to highlight that, and perhaps you could get into the nexus as to how these criminal organizations are doing this. Is it part of or a main part? How much of their resources are devoted to this crime?

We had a bust in my own state, in Plainfield. Our U.S. Attorney, Chris Christi, brought action against younger girls who had been trafficked into New Jersey from Mexico. These were young, small, petite, little girls, and they were being exploited very single day in a suburban community called Plainfield, New Jersey.

We know it is going on all over the country, and it is certainly going on inside of Mexico as well.

I know that the Operation against Smugglers, the Initiative on Safety and Security, or the OASIS Project, is a good one, and you might want to expand upon it because I do think, again, we need to prioritize and keep, publicly, as well, the good work that you are doing that often gets underreported upon and underappreciated and bring it to the fore on combating human trafficking. So if you could spend some of your time speaking to that, I would appreciate it. I will look at the record when I get back from the other hearing, and I thank you.

Mr. ENGEL. Thank you, Mr. Smith. Mr. Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman.

The escalating violence stemming from Mexico's drug war is deeply troublesome. Not only is it affecting the lives of Mexican citizens; it is also making the border increasingly dangerous for our border personnel and citizens living in border communities.

I commend President Calderon for making the war against drug cartels a top priority of his administration, but I am not sure if sending over $1 billion in aid and assets to Mexico is the solution to this problem.

With regard to the rising tide of violence in Mexico, the safety of our men and women in uniform remains my top priority, my top concern, and I am going to demand that those who are on the front lines of this battle get the training, resources, and support they need to do their jobs as safely and as effectively as possible.

We must act decisively to speed completion of the border fence, better equip our border officers and agents, and return the use of National Guard troops to the border to support and enhance our border security and enforcement efforts. To do anything less would be a disservice to our border personnel and leave open a door through which criminals, drug smugglers, human traffickers, and terrorists can destroy the fabric of our society.

Again, thank you, Mr. Chairman. I look forward to your testimony.

Mr. ENGEL. Thank you, Mr. Bilirakis. Mr. Delahunt?

Mr. DELAHUNT. I just want to commend the chair for this hearing. I think it is important, given the reports coming from Mexico.

I think it is very important that we do not equate the violence in those areas that are the focus of the violence and simultaneously suggesting or inferring that Mexico, as a state, is in trouble, or is a failed state. I think that is entirely inaccurate and inappropriate.

I think we have to be focused, in terms of a strategy, working with the leadership in Mexico, both in terms of the political leadership, as well as public safety.

This is a hearing that is important, Mr. Chairman, and I congratulate you for holding this hearing. With that, I yield back.

Mr. ENGEL. Thank you, Mr. Delahunt. Mr. Rohrabacher?

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and thank you for your focus on this very important issue.

I come from California. It directly affects my own constituents, and I think it affects the future of our country.

Mexico is descending. I have a little disagreement with my good friend from Massachusetts. I believe it is descending into chaos and corruption, and we need to make sure that we are siding with the good and decent people of Mexico, who are struggling organized criminal elements who would take over their country, and they are doing so at great risks to themselves.

We should start, number one, but establishing a border, which we have no administration, the last administration nor any administration before it, has been willing to do: Establish a Mexican-American border. That has to be Step No. 1 for us to succeed in trying to get control of this situation.

But, number two, we need to reexamine this whole "War on Drugs." The War on Drugs has been a catastrophic failure. I do not think that the War on Drugs has prevented anybody from using drugs in the United States. The only result that we can see from it is the unintended consequences of creating an incredible threat to countries like Mexico.

Again, I think the heart of the matter is that drug use in the United States fuels all of the problems we have been hearing about today, yet we are not talking about that.

The drug war has been a failure, and the Mexicans are the victims of our failure in the drug war.

Perhaps we should understand, when we outlawed alcohol, the same sort of corruption and organized crime emerged throughout the United States, threatening our society back in the 1920s.

We need to take a whole new approach to drugs, and the problems in Mexico and elsewhere might be solved. I think we need to talk honestly and seriously about it, and people have not been doing that because they are afraid of the political repercussions of doing so. Thank you for holding this hearing.

Mr. ENGEL. Thank you, Mr. Rohrabacher.

I would now like to welcome our colleague, Mr. Cuellar, who does not serve on our committee but serves on the Homeland Security Committee and was one of the Members who came with us on our recent trip to Mexico. I would like to give Mr. Cuellar a chance to make a statement.

Mr. CUELLAR. Mr. Chairman, thank you very much, and I also appreciate the visit that you have done in Mexico and the leadership that you have provided on this particular issue, and I certainly want to thank Secretary Johnson and Secretary Jacobson for

the work that they have done on the Merida Initiative, along with our former Ambassador, Antonio Garza.

I live in Laredo, right on the border, the largest inland port down there. When you talk about the $1 billion of trade between the United States and Mexico on a daily basis, 40 percent of all of the trade that comes between the United States and Mexico passes through my land port, 40 percent of it. We get $13,500 trucks a day going north and southbound. That does not include the railcars and does not include the pedestrian or noncommercial traffic.

We understand how important the border is. It is a 2,000-mile border that we have, and we understand the importance of the dynamics that we have there, and I guess, about 4 years ago, when I got elected congressman, we were having the issues of the missing Americans down there, and, at that time, I was a lonely voice talking about this particular issue, and I predicted that when this situation got to a crisis is when Congress will start reacting, and I am glad that we are now paying attention to an issue that folks who have lived on the border have seen this violence because we have seen the border being transformed from a very peaceful time when you could go walk across the border to now a situation that you have to think about it before you go down there.

I am glad that we are focusing on that and the Merida Initiative, but we also have to look at how we can look at some sort of joint commission between the United States and Mexico to work on this issue because, on the U.S. side, for example, look what we have done to the southern border members. Since 1993, we have had Operation Blockade, Operation Hold the Line, Operation Gatekeeper, Operation Safeguard, Operation Rio Grande, Operation Triple Strike, Operation Return to Sender, Operation Jump Start, the National Guard Operation Full Court Press.

Even in the State of Texas, and this is, you know, guarding the border, we have had Operation Linebacker, Operation Border Star, Operation Texas Border Watch, and, I think, one new one in Texas.

So I think the dynamic calls for us to work jointly with Mexico. I think that is a smart way of providing this.

There are a lot of ideas on how to do this, and I think, today, we will start talking about some of the suggestions we have.

I do want to say that my colleague and I are with the Hispanic Caucus. We were with President Obama on immigration, and he said that the first country he is going to visit in Latin America is going to be the Republic of Mexico to speak with President Calderon on various issues, and I am sure this is one, and, certainly, when Secretary Clinton visits, next week, the 25th and 26th, I am sure this is a very important issue, and I know that the chairman has spoken to her and some of us have talked to her about how this issue is so important.

So we appreciate it. We look forward working with you as a team on a very important issue that affects both sides of the border. Thank you.

Mr. ENGEL. Thank you, Mr. Cuellar. You gave me a great segue to making an announcement I was going to make. We have just heard that, on April 16th and 17th, President Obama will visit Mexico, and it is just being announced by the Mexican Government and our Government as well.

That is significant, of course, that he is going, and April 17th is the Summit of the Americas in Trinidad, and, by the way, I am leading a bipartisan delegation to that, and Mr. Mack is joining us as well. It is interesting that the Summit of the Americans begins on April 17th.

So, President Obama has chosen to visit Mexico the day before the summit begins and the day the summit begins, so I cannot think of a better time for him to go down there. I think it is very, very important. Thank you.

Well, it is now time for our two distinguished witnesses. Some of the trials and tribulations of being the witness is that you have to listen to all of us first before you can speak, but I saw you taking copious notes, both of you, and I hope that what you have to say is in line with many of the things that we have to say.

Before I call on you, I just want to say, some of my colleagues on the Republican side have said that the law is on the books to prevent the smuggling of weapons and that we should enforce it. I could not agree more. I think we are all in agreement about that. These laws are on the books, and they should be enforced.

We do not need additional legislation right now to enforce these laws. We should enforce it. While it is true that these criminal elements could get their guns elsewhere, as my friend, Mr. Burton, said, I think that we need not make it easier for them. We should make it harder for them by denying them access to American guns or guns coming in from America.

I certainly agree with enforcing the laws that are on the books, and, with that, let me say, again, we have our two distinguished witnesses from the State Department.

David Johnson is assistant Secretary of State for International Narcotics, which, Mr. Secretary, as you can see, we are very concerned up here, on both sides of the aisle, and also Law Enforcement Affairs as well; and Roberta Jacobson is deputy assistant Secretary of State for the Western Hemisphere.

So thank you, the both of you, and we will start with Mr. Johnson.

STATEMENT OF THE HONORABLE DAVID JOHNSON, ASSISTANT SECRETARY OF STATE, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. JOHNSON. Thank you very much, Mr. Chairman, Ranking Member Mack, and members of the committee. We appreciate the opportunity you are giving us today to discuss the Merida Initiative, our security cooperation partnership to combat narcotics-fueled organized crime and narcotics trafficking in Mexico, Central America, and the Caribbean.

Our partner nations are already working hard to fight these transnational criminals. They are demonstrating unprecedented courage and determination. We believe that, with our help, they can do much more.

Since his inauguration in December 2006, Mexican President Calderon has taken decisive action against transnational criminal organizations. Under his leadership, counternarcotics and law enforcement operations have expanded throughout Mexico, and he

has begun the arduous task of large-scale police and rule-of-law reform. His efforts to combat corruption, confront powerful criminal syndicates, improve coordination among security agencies, modernize Federal law enforcement agencies and professionalize their staff are, indeed, without precedent.

But as President Calderon confronts the transnational drug trafficking organizations that threaten his country and the region, violence has climbed markedly. In Central America, overwhelmed police face extraordinary challenges as criminals step up their murder, extortion, kidnapping, and robbery. Gang members migrating both within Central America and from the United States take advantage of the breakdown in law and order and expand the neighborhoods they exploit.

Failure to act now could mean that crime becomes even more entrenched, and the consequences of dealing with these problems later will be greater for all. With our help, we expect that these countries can make real progress. With their sustained, long-term efforts, buttressed by our assistance, they can emerge stronger, with more resilient democratic institutions, and with greater capacity to respond to the needs of all of their citizens.

One area where we are working to enhance cooperation is in seeking ways to curb the flow of arms and cash south into Mexico. Illegal drug proceeds are used to purchase weapons that drug trafficking organizations and associated armed groups use to battle each other, as well as the institutions of the Mexican Government.

One of the results of this arms traffic is that violent drug trafficking organizations operating in Mexican border cities have accelerated their firepower to truly alarming levels.

As the United States continues its partnership with Mexico under the Merida Initiative, we will work closely with U.S. law enforcement agencies as they marshal resources at all levels to develop an effective, coordinated, comprehensive response to the threat of illegal weapons.

It is crucial that our assistance programs, under Merida, provide the tools to extend credible deterrence across the country, giving law enforcement the ability to reach high-value targets and eliminate their threat to the rule of law. That is the reason helicopters play such a key role in the program for Mexico.

Mr. Chairman, the countries of the Caribbean, Central America, and Mexico face an extraordinary challenge from drug-fueled, organized crime. Merida, in and of itself, will not fully address the problems this crime wave inflicts, but it will give us and our partners crucial tools to address the challenge effectively and help build the rule of law in our own neighborhood.

Thank you for your time, and I look forward to your questions.

[The prepared statement of Mr. Johnson follows:]

TESTIMONY OF
DAVID T. JOHNSON, ASSISTANT SECRETARY OF STATE
BUREAU OF INTERNATIONAL NARCOTICS AND
LAW ENFORCEMENT AFFAIRS (INL)
DEPARTMENT OF STATE
BEFORE
UNITED STATES HOUSE OF REPRESENTATIVES
FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
ON
"GUNS, DRUGS AND VIOLENCE: THE MERIDA INITIATIVE
AND THE CHALLENCE IN MEXICO"
March 18, 2009

Mr. Chairman, Ranking Member Mack, and Members of the Committee:

Thank you for the opportunity to discuss the Mérida Initiative, which is a security cooperation partnership to combat transnational narcotics trafficking and organized crime in Mexico, Central America, and Caribbean.

Roughly 90 percent of all the cocaine consumed in the United States transits Mexico. The country is also the largest foreign supplier of marijuana and much of our domestic consumption of methamphetamine still originates in or transits through Mexico to the United States. Central American officials have identified gangs, drug trafficking, and trafficking of arms as the most pressing security concerns in that region. Transnational crime and narcotics trafficking affect us all, and I would like to share with the Committee what we – at the Department of State, Department of Homeland Security (DHS), Justice, and across agencies – are doing to address it.

Our partners in Mexico, Central America, Haiti and the Dominican Republic have already made considerable progress in their own efforts to confront these problems, and they appreciate our help, which will enable them to greatly expand on this progress. Likewise, the U.S. has committed tremendous resources domestically to reduce drug demand and to secure our borders so that dangerous people and drugs do not come in and guns and drug proceeds do not go out. However, our domestic efforts must be complemented by regional cooperation to confront what is increasingly a transnational problem. Through bilateral and multilateral initiatives, and specifically the Mérida Initiative, the governments of Mexico, Central America, Haiti, and the Dominican Republic are demonstrating

unprecedented willingness to work with us and each other to address these issues. This is a compelling opportunity to advance our common national security interests.

The Challenge in Mexico

Since his inauguration in December 2006, President Calderon has taken decisive action against transnational criminal organizations by conducting counternarcotics operations throughout the country and initiating large scale police and rule of law reform. As the result of government pressure against the drug trafficking organizations and conflicts among these organizations over access to prime trafficking routes to the United States, drug-related assassinations and kidnappings have reached unprecedented levels. By some estimates, there were as many as 6,200 drug-related murders last year, including the deaths of 522 military and law enforcement officials, more than double the level in 2007.

Narcotics manufacturing in Mexico produced around 18 metric tons of heroin in 2007 and nearly 16,000 metric tons of marijuana. The National Drug Intelligence Center estimates that Mexican drug trafficking organizations operating in the United States generate between $17.0 billion and $38.3 billion in gross wholesale proceeds from U.S. sales of Colombian-produced cocaine that they distribute and Mexico-produced heroin, methamphetamine, and marijuana annually. Mexican efforts against the drug gangs coincide with a trend of dramatic reduction in the purity of cocaine and methamphetamines in the United States, as well as an increase in street prices.

In recent years, Mexico's drug trafficking organizations have acquired increasingly sophisticated and powerful weaponry – largely acquired in the United States. The massive drug profits flowing from the United States are used to finance operations and corrupt officials. Arms purchased here or otherwise acquired and smuggled into Mexico equip the cartels with anti-tank weapons, military hand grenades, and high powered sniper rifles. International smuggling also equips the cartels with high-tech equipment such as night-vision goggles, electronic intercept capabilities, encrypted communications and helicopters. In addition, some of the groups, such as the "Los Zetas" (former military who have become the enforcement arm of the Gulf Cartel), have received specialized training in weapons and tactics. Municipal and state police, and even the military, are ill equipped to confront such well armed and trained forces.

President Calderon's firm response has contributed to the destabilization of major trafficking organizations, which caused them to react violently. As challenging as this struggle has become, President Calderon recognizes that failure to act now could result in organized criminal elements digging even deeper into the fabric of Mexican society, thus making the cost of dealing with these problems later even more significant. Organized crime, however, should not simply be displaced further south to Central America or into the Caribbean, and therefore the Mérida Initiative includes assistance to Central America, Haiti and the Dominican Republic.

The Response: The Mérida Initiative

In July 2008, Congress appropriated $465 million for the first phase of the Initiative -- $400 million for Mexico and $65 million for Central America and the Caribbean. The Department of State, and specifically my Bureau, has been charged with overseeing the largest portion of the Mérida Initiative funding. I want to stress, however, that the Mérida Initiative is a collaborative effort. We work closely with key agencies like USAID, and the Departments of Defense, Homeland Security, Justice, and Treasury both in Washington and at our Embassies in the region as well as with all our host nation partners. As we enter the phase of more concrete implementation, our collaboration will accelerate.

Interdiction and Border Security

Nearly half of our present programs focus on interdiction, including support for the Mexican counterparts of our federal law enforcement agencies. To further advance this cooperation, funding under the Mérida Initiative focuses support for the Department of Justice's (DOJ) Consolidated Crime Information System; purchasing special investigative equipment, vehicles and computers for the new Federal Police Corps; and assessing security and installing equipment at Mexico's largest seaports.

Ongoing programs focus on border security by providing inspection equipment and associated tactical training to support inspection capabilities of police, customs and immigration. Funding also supports equipment and specially trained canine teams that will pursue drugs, bulk cash, explosives and other contraband. We also facilitate the real-time interchange of information related to potential counterterrorism targets. We expect the Department of Homeland Security (Customs and Border Protection (CPB), Immigration and Customs Enforcement (ICE), and U.S. Coast Guard), the Department of the Treasury

(Internal Revenue Service-Criminal Investigations Division (IRS)), and the Department of Justice (Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Organized Crime Drug Enforcement Task Forces, United States Marshals Service, and the United States Attorneys) to play important roles in these areas.

Assistance provided under the Mérida Initiative and complementary domestic programs will increasingly seek to stem the flow of weapons across the border in order to counteract the impact of weapons smuggled from the U.S. For example, an expansion of eTrace, a weapons tracing program, will enable increased arms trafficking investigations and prosecutions. A Spanish language version of eTrace, intended to be ready by the end of the year, will be deployed throughout Latin America. In Mexico, eTrace will be operated exclusively in federal law enforcement facilities. In Central America, eTrace will be set up at each country's National Police Headquarters.

Several other programs that support interdiction and border security efforts include the following:

- Information technology support will assist Mexico's federal migration authorities in improving their database and document verification capabilities;

- Additional communications equipment will improve their ability to conduct rescue and patrol operations along Mexico's southern border;

- Equipment for a secure communications network, data management, and forensic analysis will strengthen coordination among Mexican law enforcement agencies and greatly enhance Mexico's ability to prosecute narcotrafficking and other transborder crimes;

- Technologies such as gamma-ray scanners, density measurement devices, and commodity testing kits will help prevent the cross-border movement of illicit drugs, firearms, financial assets, and trafficked persons;

- Expansion of weapons tracing programs will enable increased joint and individual country investigations and prosecutions of illegal arms trafficking;

- Enhanced information systems in Mexico will strengthen analytical capabilities and interconnectivity across law enforcement agencies and improve information sharing with U.S. counterparts; and

- Additional transport and light aircraft in Mexico will improve interoperability and give security agencies the capability to rapidly reinforce law enforcement operations nationwide.

Corruption

President Calderon has made fighting corruption a centerpiece of his efforts to rebuild public trust in Mexican institutions. Last year, his government launched a comprehensive anti-corruption investigation dubbed "Operation Clean House" that immediately resulted in the detention of six high-ranking law enforcement officials, including members of the Attorney General's Office (PGR), federal police and Mexican representatives to Interpol. Dozens more junior federal security officials have also been suspended or fired over corruption charges. Four high-ranking officials were allegedly receiving up to $450,000 per month in bribes, according to the "Clean House" investigation.

Moreover, the Secretariat of Public Security (SSP) is leading efforts to restructure and improve the capacity of the federal police. For example, the SSP plans to develop the means to vet the entire federal police force -- and eventually all state and municipal police -- to stem corruption.

For Mexico, the Mérida Initiative contains resources to enhance polygraph programs, provide training for new police officers, and a very aggressive pre-employment screening process, in which we expect the Departments of Homeland Security (DHS) and Justice (DOJ) to be important implementation partners. Other Mérida Initiative programs for both Mexico and Central America include:

- Expanding existing "Culture of Lawfulness" projects that will reach across governmental institutions in order to promote respect for the rule of law among a variety of societal actors, including public school students and recruits at police academies;

- Training for ethics and anti-corruption under an existing police professionalization program (8,112 were trained last year) and citizen complaint offices so that the public can report alleged instances of corruption;

- Working with Mexican law enforcement agencies to encourage greater transparency and accountability, such as helping train and equip inspector general offices, which will confront corruption throughout the federal bureaucracy.

Judicial reform

The Mérida Initiative includes various efforts to improve crime prevention, modernize Mexican police forces, and strengthen institution building and rule of law, for which USAID, DHS and DOJ have special expertise to contribute. Case management software, technical assistance programs and equipment will support Mexico's judicial and police reforms by enhancing their ability to investigate, convict, sentence, and securely detain those who commit crimes. Training programs will support Mexico's development of offices of professional responsibility and new institutions designed to receive and act on citizen complaints. Increased training for prosecutors, defenders, and court managers in Central America will also assist with judicial reform.

Prisons

The Initiative will expand assistance on prison management and will aid in severing the connection between incarcerated criminals and their criminal organizations. This program will assist Mexico's efforts to improve the effectiveness of its prison system to better manage violent offenders and members of criminal networks. More than 220,000 prisoners crowd 438 state/municipal and six federal penal facilities. Of the 50,000 in federal facilities, some 19,000 are incarcerated awaiting sentencing. The Mexican Government is particularly interested in this program to develop a new maximum security prison by reviewing other federal prisons holding the most violent criminals, establishing related administrative regulations for their most effective management, and developing a curriculum for a dedicated corrections training academy. The training academy will be located in Xalapa, Veracruz, and plans to graduate as many as 4,000 new corrections officers by the end of the year.

Anti-money laundering

One of our existing programs supports anti-money laundering efforts by the Government of Mexico by assisting the Government's Financial Intelligence Unit (FIU) and supporting police and prosecutors who investigate money laundering-

related crimes. DOJ, DHS and Treasury can make contributions in this area. As part of the Mérida Initiative, the U.S. will support the FIU through the expansion of software for data management and data analysis associated with financial intelligence functions and law enforcement.

Demand Reduction

In addition to rising levels of drug-related violence, chronic drug consumption has doubled since 2002 in Mexico to as many as 600,000 addicts, possibly 5 percent or 3.5 million people consume illegal drugs. The fastest growing addiction rates are among the 12 to 17 year old population, and consumption rates among women have doubled. The Mérida Initiative is building significantly on existing demand reduction programs by:

- supporting the National Council against Addictions' efforts to provide computer hardware for a distance learning platform for the entire country to facilitate training and technical assistance on drug prevention and treatment;

- establishing a national-level counselor certification system in order to improve the delivery of drug treatment services;

- creating Drug Free Community Coalitions to increase citizen participation in reducing drug use among youth; and

- providing an independent evaluation of the drug treatment/certification projects in order to assess training effects and long-range outcomes such as decreased drug use and reductions in criminal activity.

Mérida Initiative Implementation

All of the programs and projects funded through the International Narcotics Control and Law Enforcement (INCLE) account are moving forward through Letters of Agreement (LOAs) with the host nations in the region. On December 3, 2008, an LOA was signed with the Government of Mexico obligating $197 million of the funding for counternarcotics programs. LOAs were also signed with Honduras on January 9, El Salvador on January 12, Guatemala on February 5, Belize on February 9, and Panama on March 13. Other programs funded through other accounts (Foreign Military Finance and Economic Support Funds) are also moving forward in Mexico and Central America.

On December 19, 2008, the Governments of the United States and Mexico met to coordinate the implementation of the Mérida Initiative through a cabinet-level High Level Group, which underscored the urgency and importance of the Initiative on both sides of the border. A working level inter-agency implementation meeting was held February 3, 2009, in Mexico City with the aim of accelerating the implementation of the 48 projects through nine working groups for Mexico under the Initiative. A follow on meeting was held March 2.

Of course, the urgency of this effort dictates that we not wait for the infrastructure to be in place before delivering assistance. Initial projects under the Initiative have begun to roll out, including a bilateral workshop on strategies on prevention and prosecution of arms trafficking to be held in April 2009, the implementation of an anti-trafficking-in-persons system for the Attorney General's Office this month, the opening of three immigration control sites along the Mexico-Guatemala border that will issue biometric credentials to frequent Guatemalan border crossers in May 2009, and a train-the-trainer program for SSP Corrections officers, which will graduate 200 officers in June 2009.

The programs are being coordinated in close consultation with the Government of Mexico and our U.S. inter-agency partners, a complicated process given the number of agencies involved and the fact that we are establishing new relationships. We have created a process to ensure implementation of these important programs moves as quickly as possible, while ensuring the money is spent wisely.

We do not believe that these delays have impacted negatively on Mexico's counternarcotics efforts. In fact, the structure of the Mérida Initiative implementation teams is encouraging links between U.S. and Mexican agencies as well as closer working relations among agencies within each government. As Mérida Initiative planning and implementation progresses, we will see day-to-day working relationships that did not exist in the past, and therefore more effective law enforcement operations.

The leaders of Mexico and Central America agree that transnational crime is a regional problem which will require regional solutions. To that end, the Mérida Initiative will combine each nation's domestic efforts with broader regional cooperation to multiply the effects of our actions. Mérida programs were designed with the belief that strengthening institutions and capacity in partner countries will enable us to act jointly, responding with greater agility, confidence and speed to the changing tactics of organized crime.

Arms and Cash Trafficking

One area where cooperation could be enhanced is in seeking ways to interdict the flow of arms and cash south into Mexico. Illegal drug proceeds are used to purchase weapons that drug trafficking organizations and associated armed groups use to battle each other as well as the institutions of the Mexican government. As a result, violence in Mexican border cities has intensified to truly alarming levels and threatens to spillover into U.S. communities.

These weapons are primarily smuggled overland into Mexico using the same routes and methods employed when smuggling drugs north. Drug trafficking organizations typically rely on straw purchasers to acquire arms at gun shows and pawn shops. These organizations also use associations with U.S.-based prison and street gangs to facilitate the smuggling of arms across the border.

As the United States continues its partnership with Mexico under the Mérida Initiative, U.S. law enforcement agencies must work to marshal resources at all levels to develop an effective, coordinated, comprehensive response to the threat of illegal weapons smuggling from the United States into Mexico. U.S. law enforcement, through the Departments of Justice and Homeland Security, are working together to address transnational arms smuggling impacting Mexico and the United States. These efforts include, among many others, the ATF's Project Gunrunner and (ICE) Operation *Armas Cruzadas*, and the expanding use of ATF's eTrace.

In June 2008, ICE formally launched Operation *Armas Cruzadas* to combat transnational criminal networks smuggling weapons into Mexico from the United States. As part of this initiative, the United States and the Government of Mexico agreed to bilateral interdiction, investigation and intelligence-sharing activities to identify, disrupt, and dismantle networks engaged in weapons smuggling. ICE has provided training in appropriate weapons laws and methods used to combat transnational smuggling; used its Project Shield America outreach program and made presentations to groups involved in the manufacture, sale, or shipment of firearms and ammunition along the southwest border; initiated a Weapons Virtual Task Force to create virtual communities where law enforcement can rapidly share intelligence and communicate in a secure environment.

In September 2008, CBP partnered with ATF in a Memorandum of Understanding (MOU) regarding ATF's eTrace internet-based paperless firearm trace submission system and trace analysis module. This application provides the

necessary utilities for submitting, retrieving, storing, and querying firearms trace-related information relative to CBP's mission to secure the border between the ports of entry. Information acquired through the firearm tracing process can be utilized to solve individual cases, to maximize the information available for use in identifying potential illegal firearms traffickers, and to supplement the analysis of criminal gun trends and trafficking patterns.

The 2009 Southwest Border Strategy being drafted by DOJ and DHS in coordination with ONDCP will have a new chapter specifically devoted to the issue of illegal arms trafficking. The Strategy is based on three pillars: analysis of firearms-related data, information sharing, and coordinated operations.

In addition, DHS/ICE, working in conjunction with DOJ and other USG partners, has a number of programs to address bulk cash smuggling, such as "Operation Firewall" which addresses the threat of bulk cash smuggling via commercial and private passenger vehicles, commercial airline shipments, airline passengers, and pedestrians transiting to Mexico along the southern border. ICE and CBP have conducted various Operation Firewall operations with Mexican counterparts. ICE also works with other law enforcement agencies in identifying trade-based money laundering.

Under the Mérida Initiative, we will be providing non-intrusive inspection equipment that can help Mexican officials prevent arms and cash smuggling at the border. A package of non-intrusive inspection equipment is ready pending final agreement from the Mexican government, and will aid the work of the Mexican military, Secretariat of Public Security (SSP) and Customs service. At $72 million, they represent nearly 40 percent of the funds available under the LOA.

Conclusion

Success in Mexico requires the commitment and resolve of the Mexican government and the buy-in of the Mexican people, which is present in the Calderon administration and a population increasingly concerned about the human toll of transnational crime and illicit drug trafficking. Likewise, U.S. law enforcement agencies will increase their efforts to work in partnership with their Mexican counterparts to combat the scourge of organized crime and drug trafficking that plagues communities on both sides of the border.

The progressive increase in the depth and breadth of joint operations between our governments was always an underlying assumption of the Mérida

Initiative, and having only entered the initial phases of implementation we already have an opportunity to expand our collaboration. The current violence along our southwest border presents an opportunity to work in conjunction with our Mexican counterparts to provide better security for residents on either side of the border. Planning for such expanded law enforcement operational cooperation is only just beginning and must include a multitude of agencies on either side of the border. We will work together to ensure the capabilities between Mexican agencies and their U.S. counterparts are well coordinated and the response is timely, with visibility from all agencies, both U.S. and Mexican, along the border. Thank you for your time and I will be happy to answer any questions you may have.

Mr. ENGEL. Thank you, Mr. Johnson. Ms. Jacobson?

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

Ms. JACOBSON. Mr. Chairman, Ranking Member Mack, and distinguished members of the subcommittee, thank you all for the opportunity to appear before this committee and discuss Mexico and the Merida Initiative at this critical juncture.

We appreciate the strong leadership that you and your colleagues on this committee have demonstrated on this vital issue. Your visit to Mexico and meeting with President Calderon last month was timely and helps us underscore the importance we attach to the issue.

Mexico and the countries of Central America and the Caribbean are passing through an extremely difficult and challenging period. Powerful, organized criminal groups based in Mexico are engaged in an all-out struggle to dominate and control the lucrative trafficking routes in the region.

The cartels use the harshest and most appalling violence against the Mexican security forces and against each other. They are targeting police, military, and other security service personnel and using graphic displays of public violence to intimidate communities.

The three-way conflict in which cartels battle rival gangs and attack state authorities represents a significant threat to Mexico, our nearest neighbors, and our own national interests. While the situation is serious, let me affirm that we are not talking about a failed-state scenario for Mexico. Mexico is a strong democracy with a burgeoning network of civil society organizations and democratic institutions.

Clearly, the cartels want to weaken the state so that it will be unable to interfere with their activities, but the Calderon government has shown itself willing and able to respond to that and assert its authority.

Our response to the request of President Calderon is the Merida Initiative. The Merida Initiative recognizes the transnational nature of the challenge and provides a framework to collaborate with our neighbors to confront these threats to the welfare, prosperity,

and security of our citizens. While our focus here today is Mexico, I want to underscore and agree with the chairman that we recognize the threat is regional, and our response has to be regional as well.

More than just assistance or training, Merida embodies partnership. The model of cooperation reflected in the Merida Initiative has the potential to transform our relationship with Mexico and our other Merida partners. This partnership between and among cooperating agencies ensures that traffickers can no longer exploit by national differences to ply their deadly trade.

The expanded collaboration is unprecedented and, over time, will build confidence and result in even more effective operations based on shared information.

Mexico has taken many important steps on its own, deploying the military in large numbers and undertaking operations against organized crime, professionalizing their police force and prosecutors, extraditing top drug bosses, instituting long-term reforms to improve the effectiveness of Mexican judicial institutions, and removing Mexican officials linked to crime syndicates and corruption.

Moreover, President Calderon has also launched critical social, development, and health initiatives to reclaim Mexico's public spaces and confront the increasing demand for drugs within Mexico.

All of us would like to see the equipment and training under Merida delivered as quickly as possible, but it is also true that the partnership the Initiative seeks to build has begun.

Merida is both a robust assistance package, where we work directly with the countries of Mexico, Central America, and the Caribbean to address immediate needs, and a long-term partnership to address those longer-term needs together.

This means that we, in the United States, must take effective steps to reduce the drug demand that fuels illicit narcotics trafficking, curtail the export of illegal weapons to Mexico, and disrupt the bulk transfer of cash from drug sales. U.S. agencies are fully engaged in this effort.

Finally, I want to emphasize that we appreciate the funding that Congress has given us for Merida through the Fiscal Year 2008 supplemental and the Fiscal Year 2009 Foreign Operations Appropriations Act.

We look forward to working with Congress to fulfill the $1.4 billion commitment made to Mexico.

I would be happy to take any questions that you have. Thank you very much.

[The prepared statement of Ms. Jacobson follows:]

TESTIMONY OF
ROBERTA S. JACOBSON
DEPUTY ASSISTANT SECRETARY OF STATE,
BUREAU OF WESTERN HEMISPHERE AFFAIRS
DEPARTMENT OF STATE
BEFORE
THE SUBCOMMITTEE ON THE WESTERN HEMISPHERE
COMMITTEE ON FOREIGN AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
March 18, 2009

Mr. Chairman, Ranking Member Mack, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before this Committee and to discuss Mexico and the Merida Initiative.

Mexico, as well as our other neighbors in Central America and the Caribbean, is passing through a critical period. Mexican cartels are using harsh and appalling violence to attack security forces and each other as these criminal organizations seek to expand their operations and to dominate or eliminate rivals. The cartels are targeting police, military, and other security service personnel, and using graphic displays of public violence to intimidate communities. This tripartite struggle, in which cartels fight each other while attacking state authorities, represents a significant threat to Mexico and to our national interests.

This hearing and my remarks today focus appropriately on Mexico. Nonetheless, let me stress that the problem at hand – drug trafficking, transnational criminal organizations, and violence -- is a regional one which directly and immediately threatens our other neighbors in Central America and the Caribbean. Our response therefore -- embodied in the Merida Initiative -- is also very much a regional one.

The Merida Initiative is premised on a continuing close partnership with the Government of Mexico, as well as the governments of Central America, Haiti, and the Dominican Republic. The Merida Initiative recognizes the transnational nature of the challenge we face and provides us with a framework to collaborate with our neighbors to confront the criminal

organizations whose activities, violence and intimidation threaten the welfare, prosperity, and security of our citizens.

I would like to discuss the current situation in Mexico, the strategic importance of the Merida Initiative, its potential to transform our relationship with Mexico and how we envision security cooperation. At the same time, I want to underline the urgency of our assistance through the Merida Initiative – an urgency heightened by the current financial and economic crisis. With public sector budgets at risk, remittances declining, and job losses mounting in Mexico, and throughout the region, organized crime and the cartels may present an attractive alternative for those who see no other future.

The Merida Initiative reflects our response to both an imminent danger and an opportunity to work with Mexico to address the threat emanating from organized crime and drug trafficking organizations. Our cooperation with Mexican administrations has increased remarkably during the past decade. But since assuming the presidency in December 2006, the Administration of President Calderon has expanded that cooperation and offered to work with us in an unprecedented collaborative and coordinated fashion.

Our affirmative response -- as embodied in the Merida Initiative -- was an expression of our confidence in President Calderon's leadership, and the courage of the Mexican people. The nature of our shared challenge is daunting. Mexican authorities estimate that in 2008 over 6200 persons were killed in drug-related violence, including 522 civilian law enforcement and military personnel. This year alone, the death toll has mounted to over 1,200. We are increasingly aware that this violence affects U.S. communities along our southern border. According to federal law enforcement agencies, elements of the Mexican- based criminal organizations are present in 230 American cities.

President Calderon and his government have demonstrated over the last two years their intention to surmount the serious challenges posed by these transnational criminal organizations. The Calderon administration has taken major steps to confront the narcotraffickers and to enhance the state's capability to address crime and corruption. These steps have included deploying the military and federal police in large numbers in operations against organized crime; professionalizing Mexico's police forces and

prosecutors; extraditing top drug bosses wanted by U.S. authorities; instituting long-term reforms to improve the efficiency and effectiveness of Mexican judicial institutions, and removing Mexican officials linked to crime syndicates and corruption. President Calderon has also launched critical social, development, and health initiatives to reclaim Mexico's public spaces, and confront the increasing demand for drugs within Mexico.

As you know, our bilateral agenda with Mexico is enormous. These ties encompass everything from trade to energy to environmental issues; from making our borders operate more efficiently to collaborating on health issues. But working together to meet the unprecedented threat represented by the criminal organizations is at the top of our bilateral agenda, and the Merida Initiative is critical to our collaboration and success.

The Merida Initiative has two interconnected and mutually reinforcing aspects. On the one hand, Merida has a robust assistance component, in which the Department of State, working in close collaboration with the Departments of Homeland Security and Justice, USAID and other agencies, seeks to provide Mexico with equipment, training, and technical assistance to enhance Mexico's ability to interdict and stop illicit drugs, arms and human trafficking; to improve public security and law enforcement; and to strengthen institution building and the rule of law.

On the other hand, Merida is more than a program of bilateral or regional assistance. The Initiative is premised on a partnership between Mexico and the United States, and a recognition that the multifaceted problems associated with these criminal organizations represent a shared responsibility whose solution requires a coordinated response. The Merida Initiative entails increased levels of assistance while providing a framework for enhanced cooperation. This partnership means that U.S. and Mexican authorities work together to design strategy as well as develop and implement projects and activities.

The principles of shared responsibility and partnership central to the Merida Initiative also require action on our part. The weapons employed by the criminal organizations against law enforcement agencies and innocent civilians in Mexico primarily originate in the United States and smuggled illegally across the border. The Department of Homeland Security (Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard) and the Department of Justice (Bureau of

Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration, Federal Bureau of Investigation, Organized Crime Drug Enforcement Task Forces, the U.S. Marshals Service and the United States Attorneys) are working in the U.S. and with Mexican officials to curtail this deadly trade. These components of the Department of Homeland Security and the Department of Justice are also continuing to work with the Department of the Treasury (Internal Revenue Service) and with Mexican financial and law enforcement authorities to disrupt the bulk transfer of cash from drug sales that flow from the U.S. and finance the operations of the Mexican drug cartels. Of equal importance is the demand component of this deadly equation. It is the U.S. demand for illicit drugs which drives the narcotics trade. We must continue to invest in efforts to reduce our domestic demand even as we assist Mexico with its own burgeoning demand problem, something that we are undertaking as one activity under our Merida programs. Progress on these three fronts is critical to the success of the Merida Initiative, to protect our citizens, and, to defeat these criminal organizations.

Again, let me refer to the important regional dimension of our efforts. The U.S. Government remains committed to supporting the nations of Central America in countering the influence of traffickers, gangs and organized criminal groups in their territories as well. The Merida Initiative provides us a regional vehicle to accomplish these objectives and to link our efforts in Mexico with those elsewhere in Central America and the Caribbean. All the governments who partner with us under Merida recognize that these are transnational problems requiring transnational solutions. The Central Americans, for example, hold regular meetings among their political and security officials, including under the auspices of SICA, the Central American Integration System. Mexico, the countries of Central America and Colombia also meet regularly in recognition of the transnational nature of the threat. The Merida Initiative furthers this regional dialogue and engagement. Ultimately, the results of our efforts will enable the governments in Central America, Haiti and the Dominican Republic to reassert control over their territory, provide the stability needed for the creation of new economic opportunities, and reinforce the critical role of democratic institutions and adherence to the rule of law.

I want to conclude by emphasizing that continued funding is essential to the success of the Merida Initiative. Thanks to strong bipartisan support in this committee and in the entire Congress, we launched the Initiative with

$465 million in funding appropriated in the FY 2008 Supplemental Appropriations Act. Congress appropriated an additional $300 million in the FY 2009 Foreign Operations Appropriations Act and look forward to working with Congress to fulfill the $1.4 billion commitment to Mexico. Mexico, as well as our other partners, have clearly demonstrated their willingness to take strong and decisive action, dedicating lives and committing increased resources while revamping law enforcement and justice sector institutions for this task.

The Merida Initiative was born out of crisis. This crisis also provides us with a strategic opportunity to reshape our security cooperation relationship and expand dialogue with our partners on critical security and law enforcement issues. The Merida Initiative provides us with a platform to enhance this partnership and work more effectively with our nearest neighbors in the hemisphere to counter a menace that threatens us all.

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

Mr. ENGEL. Thank you both very, very much.

Let me ask you this. We have talked a lot about the Merida Initiative, and I am a very, very strong supporter of it. Last year, the House passed a Merida Initiative authorization bill that did not become law, as you know. There was a sense of Congress that there should be an effective strategy to combat illegal arms flows.

So let me ask you, as part of implementing Merida, has the U.S. Government developed, or is it in the process of developing, a comprehensive, interagency strategy for combating illicit arms trafficking into Mexico, and, if not, will the new administration seek to develop a strategic approach to stem the flow of illicit arms to Mexico?

If you could also mention, in your answer, how are U.S. agencies working with Mexican authorities to combat arms trafficking, and what challenges confront U.S. agencies working with Mexican Government entities to combat arms trafficking? Why don't we start with Ms. Jacobson?

Ms. JACOBSON. I think that we do have a strategy to work with Mexico on combating the trafficking in arms. That strategy, obviously, is bifurcated. We are working, through the Merida Initiative, with the Mexican Government. U.S. agencies are working on domestic law enforcement on the U.S. side of the border.

One of the ways in which we are doing that is increasingly working together with Mexico along the border. There are increasing numbers of Mexican officials working with U.S. Government law enforcement agencies in the Border Enforcement Security Taskforces and in the Border Liaison Mechanisms that we have. We have something called the Border Violence Protocols, which are processes and systems that we have put in place to respond to violence along the border and to ensure that information and intelligence that is gathered is utilized appropriately by both sides.

In the Merida Initiative, I think there are a number of areas, and I think Assistant Secretary Johnson can expand on this, which do get at the issue of arms trafficking.

For example, one of the larger areas of the Merida Initiative is nonintrusive inspection equipment; inspection equipment that is designed to be used at ports of entry or in the interior of Mexico to stop all forms of contraband, to stop contraband in drugs, in weapons, in bulk cash, and, indeed, in trafficking in persons, and the Mexican expansion of the use of that equipment, I think, will have an effect on arms trafficking as well.

The Mexican Government is also expanding its efforts along its side of the border to inspect vehicles coming into Mexico for illicit cargo, and they have begun, in Matamoros, a plan to expand that effort across the border during this year.

So I think there are a number of areas in which we are working together quite effectively.

Mr. ENGEL. Thank you. Mr. Johnson?

Mr. JOHNSON. Just to add a couple of points, there are ongoing operations by our law enforcement agencies—the DHS, ICE, Operation Armas Cruzadas, going on for 6 months now—which have already resulted in 104 criminal arrests, the seizure of 420 weapons, and more than 100,000 rounds of ammunition, and that is one of the cooperative programs. ATF, of course, has Project Gunrunner. I do not have the same statistics for it.

On the assistance that we are providing under Merida, Congressman Green mentioned $193 million as part of the letter of agreement that we signed with Mexico in December. Almost 40 percent of that is devoted to nonintrusive inspection equipment, and $40 million worth of that equipment will be provided to the Mexican Federal Police. We have come to an agreement with them already on the exact specifications and expect the procurement to begin forthwith.

We are working out the final pieces on specifications with Mexican Customs for the remaining $30 million, and we anticipate that those devices, which are highly specialized and similar, if not exact, to the ones that are own border enforcement agencies are using, to be available in the September timeframe, allowing us to give the Mexicans the kind of capacities that we have. They already have some of these machines, but they need significantly larger quantities of them to allow them to detect bulk cash, as well as firearms that are moving across the border.

So there is a significant element of the package that is devoted exactly to this problem.

Mr. ENGEL. Let me ask one follow-up question and then turn it over to Mr. Mack, and I know we have some pending votes as well.

This is a very practical question. Does Mexico check every vehicle and person crossing the border into Mexico, and, if not, why not? What would happen if the Mexican Government inspected every vehicle as it entered Mexico? I know it would back up the vehicles, but where do inspections of vehicles take place in Mexico, and what percentage of vehicles entering Mexico are inspected?

In conjunction with that, should Mexico's police and border patrol be doing more to stop the firearms entering their country? And what is the status of our talks with Mexico to better coordinate

which nation has responsibility for which border activities? Have the Mexicans asked us to check vehicles and persons moving south or some or all border crossings, and how would you respond?

I provided all of those questions because it is a very practical thing about border crossing, so whoever would like to answer.

Ms. JACOBSON. Thank you, Mr. Chairman. The Mexican Government, at this time, along the United States-Mexican border, is not checking 100 percent of all vehicles going into Mexico.

What I talked about, in terms of their new program that they are beginning to implement, will use all forms of technology, including beginning to get a database to do targeting appropriately based on intelligence, use of scales, cameras. All of that equipment is not yet deployed along the border, and so they are not checking 100 percent of vehicles coming in.

But in the location that they have begun to implement that equipment, Matamoros, they are checking a much larger number of vehicles than they have in the past—in the past, it was more random checks—and some of those checks and moving vehicles into secondary inspection allows them to do canine revision and other forms of checks.

I think, on the whole, we are working increasingly well with Mexico. In terms of who has responsibility, I think those responsibilities are quite clear, in terms of which agencies of the U.S. Government have responsibility for our side of the border. There is a great deal of communication that takes place between our CBP, ICE, and other officials on the United States side of the border and those from Mexican Customs, for example, who operate on the Mexican side of the border.

Mr. ENGEL. Mr. Johnson?

Mr. JOHNSON. The only thing that I would add is that there is a double layer in Mexico at the northern border, where they have an additional inspection of some approximately 70 kilometers inside the border, and they are undertaking a 100-percent inspection already there, but, of course, that does not address the immediate border region and, in some cases, may point to what could be done, and what we expect will be done, as they expand this program throughout the border.

Mr. ENGEL. Well, thank you. Obviously, that is crucial, and we need to think of ways to change what is happening today. We need to have, I think, more accurate and greater inspections at the border. Mr. Mack?

Mr. MACK. Thank you, Mr. Chairman. First, I would like to ask unanimous consent to submit additional materials for the record.

Mr. ENGEL. Without objection, so ordered.

Mr. MACK. First, I want to thank you for your testimony and your insight on today's hearing, and I wanted to see if I could get some feedback about the recent $300 million for Mexico that we just approved and, specifically, in the intelligence community, if you could expand a little bit on how the intelligence community could help in the fight against drugs in Mexico.

I also had another question, and you guys can take this in either order you want, but if you could talk about what some of the other countries are doing in Latin America to ensure that guns are not being moved across their borders into Mexico, and that opens up

another question, which is, when the chairman and others talk about the 90 percent or so of the guns being used are from the United States, are we getting an accurate count? In other words, is there a portion of it that is being left out because we do not know where they are coming from?

So if someone has some specifics on that data, I would like to see that as well. Thank you.

Mr. JOHNSON. Mr. Chairman, we have a program underway, as part of this Initiative, that is going to give countries throughout Latin America access to the eTrace system of ATF. One of the challenges with that system now has been that it is based on English-language conventions only, and we have been working with a vendor ATF has to provide Spanish-naming conventions and Spanish-language capability for it, which will make it significantly more accessible.

We anticipate that that will be completed by December of this year. We have programs in Central America which will provide, under the Merida Initiative, funding for installation of necessary materials and equipment and training of personnel so that it can be used effectively. But we do anticipate and plan for it to be made available throughout Latin America so that there will be an availability of this system to trace weapons.

In terms of the question you raised about where the guns are coming from, if you will, we do not have 100-percent accuracy on the origin, but we do believe that the 90-percent figure is likely to be quite accurate for Mexico.

For Central America, on the other hand, most of the guns that have been found in that area that are illegally owned and used by narcotraffickers have originated in the wars of that region in the eighties and nineties and are surplus weapons that are already in the area.

Mr. MACK. Can you respond a little more with the $300 million that was passed by Congress on the intelligence community and what kind of expansion, and how can intelligence communities around Latin America be helpful?

Mr. JOHNSON. Well, the monies that you are referring to are used for foreign assistance and not for intelligence funding. That will be funded separately by separate appropriations.

As to exactly how these monies are going to be used, it was, of course, slightly less than what was requested, so we are in the process of doing some trimming and fitting, and I think we are working on that as we speak.

Mr. MACK. Thank you. Do you have a response, Ms. Jacobson?

Ms. JACOBSON. I do not have anything further.

Mr. MACK. Okay. All right. Thank you.

Mr. ENGEL. Okay. Thank you, Mr. Mack.

As you can hear, we have a series of votes—I am told there are seven—so it is likely to be an hour, or even a little bit more. So what we will do is we will recess until 10 minutes after the last vote and come back probably in about 1 hour and 10 minutes, something like that. It might be a little earlier than that, but we will say, 10 minutes after the last vote. So the subcommittee is in recess until then.

[Whereupon, at 3:10 p.m., a short recess was taken.]

Mr. ENGEL. The subcommittee will come to order. I know we were in the middle of asking questions to our witnesses, so I thank the witnesses for bearing with us. It is not all that unusual, with a large series of votes in the middle of the afternoon, but those were the last votes of the day, so I guess they figured they would put it all together.

Thank you for your patience, and Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman. Thank you very much for your patience.

I just want to get back to one of the original questions regarding searching the vehicles and searching border crossings. I do not have my notes in front of me, but I thought you said that, on the Mexican side, it is 70 kilometers from the border that they check these vehicles.

Mr. JOHNSON. What I said was that they have checks on a selection of vehicles at the border itself, but they have, in the interior of the country, 70 kilometers in, they have another check, and, at that point, they are, we understand, checking all, or virtually all, vehicles.

Ms. Jacobson talked about a program which is just getting underway, which is being used fully now, I believe, only in Matomoros, but will expand across the entire northern border over the course of this year, which will check 100 percent of the vehicles at the border proper.

Mr. SIRES. But currently they were doing random checking at the border, and they were doing vehicles, 100 percent, 70 kilometers.

Mr. JOHNSON. That is correct.

Mr. SIRES. Why 70 kilometers? Who came up with that idea?

Mr. JOHNSON. I think it has to do with their estimation of where the traffic will flow on into the interior of Mexico, and they want to make more extensive checks at that point.

Mr. SIRES. It seems to me that there are 70 kilometers where there is going to be a lot of mischief.

Mr. JOHNSON. I think that is the case, and that is the reason they are moving to 100 percent at the border itself. There is a substantial larger volume that just crosses the border for a short period of time. So it is a different level of logistical challenge that they are having to take on.

Mr. SIRES. Thank you. The other question that I had: I was a supporter of the Merida Initiative, but my concern was always that there was a disproportionate amount of money spent on Mexico, and I always thought that it should have been a regional approach because I think that the reason it developed in Mexico so quickly is because the Colombians were effective in dealing with the drug traffickers.

So if you plug a hole here, it is going to go someplace else, and I know that they sent money for some of the other countries, but I just think it is just not enough.

So if we are successful down the line in dealing with the Mexican issue, it is just going to pop up someplace else.

Ms. JACOBSON. Well, I think that is exactly right, Congressman, and I think that is one of the reasons why, when we started with Merida, it was Mexico and Central America, and there were, obviously, very big differences in the amounts of money for each, but

we thought it was important that when we start in Central America, we would build that program up because there was not the same amount of capacity as Mexico had to absorb funds and begin working.

As you know, the funds in Fiscal Year 2008 for Central America were $50 million; the funds in Fiscal Year 2009 are about approximately $100 million. So we are building up the Central America program.

In addition, we have begun a security dialogue with the Caribbean because there is no doubt that, to the extent we have success through the Isthmus, trafficking may return to areas of the Caribbean, and so that is something that we are looking at very closely, beginning a security dialogue with the Caribbean, so that we can look at what kinds of resources might be needed there as well.

Mr. SIRES. My understanding is that, the Hispaniola, there is a great deal of traffic into the country.

Mr. JOHNSON. There is a significant flow out of western Venezuela, in particular, to the Dominican Republic, a significant number of aircraft making circular runs and dropping.

Mr. SIRES. In Haiti also, I understand.

Mr. JOHNSON. In Haiti, but I think there is a significantly larger amount going into the Dominican Republic, at this point, based on the radar tracks. Both ends of Hispaniola, if you will, could use significant assistance, and the legislation provides for the beginning of a program, and it may need to be plussed up some.

Mr. SIRES. Are they cooperative now? How cooperative are some of these places, like Dominican Republic?

Mr. JOHNSON. The Dominican Republic is quite cooperative. They have a capacity limitation, and what we need to work with them on is an ability to use some of their own helicopters and perhaps, at some point in the future, look at additional ones because what happens is these aircraft drop into landing zones, and you have to be able to get there relatively promptly, or the product that they are dropping gets taken away and bleeds into the marketplace.

Mr. SIRES. In Puerto Rico, how is that? I am getting away from Mexico, but I was just curious about the Caribbean Basin.

Mr. JOHNSON. I think, based on the radar track readings, they are not getting that far, at this point. Now, there may be onward shipments that flow into the normal civil aviation flow, but in terms of contraband aircraft that are flying outside of scheduled aviation space, I do not think there is a significant amount there.

Mr. SIRES. Have you tracked any arms into the Dominican Republic from the United States?

Mr. JOHNSON. I am unaware of a significant arms flow into the Dominican Republic from the United States. I will look into that and get back to you, Mr. Congressman, because it is an issue I do not want to speculate on.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE DAVID JOHNSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE ALBIO SIRES

According to law enforcement agencies in Santo Domingo, there have been a few isolated incidents of arms being smuggled into the Dominican Republic from the United States, but these were not significant enough to represent a trend.

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

Mr. ENGEL. Thank you, Mr. Sires. Mr. Burton?

Mr. BURTON. Mr. Chairman, I apologize. I hope Mr. Mack gets back here. I have to leave. I have a meeting in my office at 5 o'clock, and I do appreciate you letting me make a couple of comments.

One of the things that I have been very concerned about, of course, is the Second Amendment, and I heard your testimony earlier. I have here before me a complete analysis of the Russia and Venezuela Agreements and what they are doing, and the reason I bring this up is because Venezuela, with their oil money and Chavez being an expansionist who wants to expand his sphere of influence, his Bolivarian revolution, throughout Central and South America, is, long term, a real threat, and he has brought in 100,000 AK–47's to replace weapons that are already there, and we do not know what happened to the rest of those weapons, plus he has got a contract to manufacture more AK–47's, which is beyond the capacity of his military right now to use them, so we do not know where they are going.

The reason I bring that is up is the ability of terrorist drug dealers to acquire weapons, and I am talking about not only AK–47's and other handguns and rifles and things like that; they also have the ability, through people like Chavez, to get weapons that are much more dangerous that they could not get, or will not be able to get, here in the United States unless they are able to get them through the black market, through some kind of military avenue.

So the point I wanted to make, and I will not ask any questions, is that I hope, as we go through this whole issue of how we deal with the problems on the Mexican-American border, we realize that there are other avenues through which the Mexican terrorists and drug dealers are able to get these weapons, and if they cannot get them here illegally, then I think they will get them someplace else. They may have to pay a little bit more money.

When you realize that these people have literally rooms full of money, not just small amounts—I mean, rooms full of money—the ability of them to buy these things, I think, is just unbelievable.

So I just wanted to put that into the record, Mr. Chairman. I am for stopping the illegal sale of weapons across the Mexican-American border. I am for doing everything we can to work with Mexico to solve those problems, but I do not think we should be under any illusion that if we are able to stop completely the sale of weapons across the Mexican-American border from the United States that we will be able to stop them from getting them someplace else. Thank you.

Mr. ENGEL. Thank you, Mr. Burton. Mr. Green?

Mr. GREEN. Thank you, Mr. Chairman.

I mentioned, in my opening statement, that it took 5 months for the United States and Mexico to sign a letter of agreement allowing the first $197 million in Merida funds to be disbursed. There have been meetings since, the last one on March 2nd.

I know you started to break down the numbers during Chairman Engel's questions, and can you give me a further breakdown on where the money has gone so far? I apologize, because of between

votes and the long timeframe that we have had between earlier testimony.

Mr. JOHNSON. The monies that were obligated, or that became available, after the letter of agreement was signed, on December 3rd, are the International Narcotics Control and Law Enforcement funds that were originally appropriated. Those funds will be flowing out, I think, at a relatively rapid rate now to fund the programs dedicated principally to this nonintrusive inspection equipment and to training programs for Mexican law enforcement to additional hardware that they are required to completely modernize their evidence collection and record-keeping projects that will allow them to put identity cards on every one of their police officers—Federal, state, and local—ones that will allow them to have vetted all of their police officers at the Federal level; a series of programs such as that.

Additional monies were appropriated under the FMF account. Those monies are for helicopters. The procedures are significantly different there. The letter of request from Mexico came in the late fall, around the time that the letter of agreement was signed. That set in motion a chain of events, which led to the notification of Congress.

You and your colleagues here very graciously waived the informal period of consultation that was required. The formal period is underway. I understand that will expire on April 3rd, and, at that point, the contracting can get underway, and we can get into a delivery schedule for the aircraft that were appropriated under the original bill.

Mr. GREEN. So the money really did not start flowing until the early part of this month, March, even though the agreement was signed in December.

Mr. JOHNSON. Well, some of the monies have begun to flow. There was a server farm which was bought quite rapidly after that was signed in December itself, but the bulk of the monies, yes, are now beginning to flow because of the nature of the equipment that is being acquired and its technical nature, as well as the lead time for manufacturing it.

Mr. GREEN. I know I read an article—I do not know if it was in Mexico or from the United States that talked about one of the big needs of the government is, you know, if I have a warrant for me in Houston, Texas, believe me, if I am stopped here in DC, they will be able to find out about that, and that was part of the original request, a system where, if someone has a warrant in Tijuana, and they are stopped in Monterrey or in Matomoros.

Is that part of the request, because I know that there was an effort—I know that there is probably some money that they are appropriating on their own, but is part of our effort to assist them in having that kind of network?

Mr. JOHNSON. Yes, sir, it is, and the server farm was dedicated to that very project. It will come online, I believe, fully, in July.

Mr. GREEN. Are there any efforts in the administration—I know some of the efforts were just announced yesterday, and maybe you can tell us—sending more agents to the border, both ICE and also ATF agents? Was that the announcement in the last day or two?

Mr. JOHNSON. Mr. Congressman, I read the announcement as well. That is beyond the scope of my authority.

Mr. GREEN. Okay.

Mr. JOHNSON. I would be glad to look into that for you.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE DAVID JOHNSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE GENE GREEN

On March 24, the Administration announced a comprehensive response to border security issues, including additional personnel from DHS and DOJ being deployed to the Southwest border. I would refer you to those agencies for additional details.

Mr. GREEN. Okay. Well, I know there is more, and I have to admit, we have a governor who wants the National Guard there, and, hopefully, we are not to that point, that we need them. We could use law enforcement right now along the border.

According to some analysis, the realignment of the Mexico's drug syndicates in 2008 in their violent turf battles appear to be the result of splintering of the so-called Sinaloa Federation of DTOs and the emerging DTOs once thought to be obsolete, which are battling for control of national markets and transport routes.

The seven major cartels that once controlled Mexico have reconfigured. Do you agree with what is happening? I think sometimes, as soon as we think we know the players, the players change, or they split.

Mr. JOHNSON. We believe that the pressure that the Calderon government is putting on these cartels, yes, is causing them to change their behavior, and, in fact, one of the things that it is doing is causing them to branch out into other areas of crime, and that is one of the problems that they are having to deal with now, with the kidnappings and murders for hire and issues related to that.

So, yes, it is changing, but it is changing because of the efforts that the Mexicans have underway to put pressure on these organizations.

Mr. GREEN. I have run out of time, but I appreciate the testimony, Mr. Chairman. If there is anything we can do to speed the technology, again, our neighbors are fighting, literally, a war, and if we do not help them, surely, we will have to deal with it. So thank you, Mr. Chairman.

Mr. ENGEL. Thank you, Mr. Green. Mr. McCaul?

Mr. MCCAUL. Thank you, Mr. Chairman. I also want to thank the two of you for your public service, and I know you have been at this for quite some time, and I know you have worked hard on the Merida Initiative, and I want to congratulate you for everything you have done.

It is a very historical time. When you have 6,000 killings in Mexico last year, more than the Iraq and Afghanistan wars combined, when the Department of Justice reports that 230 cities are impacted, when the greatest threat from organized crime are Mexican gangs, we have a serious problem.

I wanted to ask you, specifically, a couple of questions, and, I do not know—it may be out of your realm, but as it relates to Merida. We had Secretary Napolitano testify before the Homeland Security Committee—I am ranking on the Intelligence Subcommittee. In my

view, the intelligence sharing; I think we can have sharing on both sides of the border. We share this problem together.

We have met with President Calderon. He says it is a war, and I believe him. I think it is. We ought to be working together, in an intelligence fashion. We are working together in a law enforcement fashion, but I think we also need to be looking at the assistance which we are providing under Merida in a military fashion and how those resources can be borne with the best results.

I think, at the core, Merida, essentially to me, is military training and assistance to the Mexicans and, specifically, their army, so they can combat these drug cartels, who their own President says they are at war with.

I agree with the chairman that the appetite and the consumption for drugs funds this war, and the weapons that are shipped down to Mexico from the United States arm this war, in large part. So it is a comprehensive issue.

So, having said that, and I know the eTrace program is starting to bear some fruit, in terms of where these weapons are coming from, but if you could expand a little bit more, in terms of how are we really working together with the Mexican Government, law enforcement, intelligence, military?

Mr. JOHNSON. Mexican President Calderon, when he came into office and was confronted with this systemic challenge, he saw the army as a necessary element of having to deal with it because it was an effective and reliable instrument of the state and that it was a bigger problem that could be handled by the police themselves, but, at the same time, they do not view the military as the long-term solution.

Significant parts of the Merida funding do provide resources for the military, the Bell 412 helicopters in the initial tranche of funding, for example, but much of the funding is actually dedicated to modernizing and systemically improving the Mexican Federal Police, and that is the aim of the Mexican Government, and I think that is one reason that this is probably going to take longer than perhaps one would like, but it is aimed at systemically changing the way the Mexican police force works, its reliability, the way it collects evidence, and the type of capabilities that it has.

So that is the way the Mexicans see it, and this is a partnership, and we are trying to help them move forward with this program that they have and add value to it and add assets that we think are catalytic in nature.

On the side of sharing information, we have a liaison officer now for Mexico at the El Paso Intelligence Center so that there are capabilities there, and there are liaison relationships at other Federal installations as well.

So I think we do have an active sharing of information now, which is truly different than it was before we started looking at this program the way we are now.

Mr. MCCAUL. And has the Merida Initiative advanced that? I am a member of the U.S.-Mexico Interparliamentary Group. When we say, "Well, you are violent, and your drug cartels are a problem," they point the finger to us that we consume the drugs, we provide the weapons. I think we share this problem. We need to work to-

gether with the Mexican Government to resolve it, and I think that is what this is really all about.

Ms. Jacobson, did you have a——

Ms. JACOBSON. I think that is absolutely right, Congressman, and I think that, in that respect, as I tried to sort of stress in my opening remarks, in that respect, I think the Merida partnership is already working.

The attorney general mentioned, when he announced the results of Operation Accelerator recently, that those results were gotten, in part, because of cooperation with the Mexican Government. We know that, in many operations in Mexico, including the capture, last October, of one of the Arellano-Felix brothers, that that arrest was successful because of cooperation and information sharing between the law enforcement agencies and intelligence sharing.

So I think those kinds of cooperative relationships really are being strengthened via the Merida Initiative, and that is the goal, not just the equipment or the training.

Mr. MCCAUL. I see my time has expired. I want to thank you again for your efforts.

Mr. ENGEL. Thank you, Mr. McCaul. Ms. Giffords?

Ms. GIFFORDS. Thank you, Mr. Chairman and Secretary Johnson and Secretary Jacobson.

I mentioned, in my opening comments, about living on a border and being part of a border district and the part that is most heavily trafficked, and, again, I cannot emphasize enough my concern to the people that live in my community, and thank you, Mr. Chairman, for working with us to try to come up with better solutions.

I, today, will be introducing this resolution reiterating Mexico's importance as a strategic U.S. partner in supporting action to address the increasing violence and drug trafficking problems.

I think that we, in the United States, have to reaffirm our commitment to Mexico. I think, in the press, there are statements that are being made that are wrong and that are false about the state of stability for the Country of Mexico, and I want to make sure that what is coming out of this subcommittee is our strong support for the country and, really, our willingness to put our resources behind this problem as it spills over into our community and as a good neighbor. So I urge members to sign onto that.

Thursday, I sent a letter to Secretary Clinton and Secretary Napolitano urging them to immediately address the unprecedented rise in border violence. Of the approximately 6,000 deaths that we have seen over the course of the last year, almost 40 percent of those murders occurred in three states: Baja, California; Chihuahua, and Sinaloa.

When you look, geographically, about where the problem is, and then, of course, you look at Arizona and Texas and California and our state, we are concerned, and I know the money is just starting to flow now. I guess, in our minds, we have been working on this for many months, so I applaud the chairman for being proactive and oversight, oversight, oversight.

Of course, that is our job, but along the lines of whether or not, at this point, we have seen any effect, in terms of the prices or demand of drugs in the United States, or in terms of pricing and firearms, have we seen any effects, even at this point in time?

Ms. JACOBSON. Well, obviously, many of our colleagues at DEA and other agencies, I think, have a better handle on some of the pricing availability information in the United States, but I do know that DEA has said quite clearly that since President Calderon came into office and began this effort, and certainly continuing with our partnership and the more effective operations that we are able to mount by sharing information, the price of cocaine, for example, in the United States has steadily gone up over a 24-month period, and the purity has gone down significantly.

So while nobody, I think, wants to suggest that there may not be multiple factors for those kinds of changes, that is certainly the direction we would like to see things going in.

In terms of weaponry, I am afraid I do not have any information on that, and we can certainly try and get you some from ATF and others. We really do believe that things like record amounts of operations in Mexico in 2007 and 2008, record amounts of seizures of both drugs and bulk cash, for example, were the result of increasing ability to work together.

So, in that respect, as I say, I think Merida is beginning to bear fruit, although particular pieces of equipment may not be utilized by the Mexicans, and we hope that we will have significantly more data on that impact as the months go forward.

Ms. GIFFORDS. I brought up this issue last year, the killing of the journalists. I believe that 30 journalists have been killed over the past 6 years in Mexico. I am curious whether or not you can report on Mexico's progress to bring a permanent end to the violence against reporters or those individuals that are bringing to light some of these problems.

Ms. JACOBSON. Congressman Giffords, we share the concern, the great concern. Many reports have been written about how dangerous Mexico is for journalists, and it is a great concern of ours as well.

As you know, there is a special prosecutor in Mexico for crimes against journalists, and what we have seen is, unfortunately, continued violence against journalists who are reporting on the activities of criminal organizations. This has resulted not only in danger to those journalists who continue to courageously report, but it has also resulted, frankly, in self-censorship among some in the media for fear and intimidation, and so, in some respects, the journalists are a reflection of the fear in the community that these cartels have imposed.

I cannot tell you that any of the individual cases that the special prosecutor is working on have advanced to conviction. They continue to work on those cases. They continue to try and protect journalists and offer them the assistance of the government. It is something that the Mexican Government is working quite hard on, but, unfortunately, the cartels continue to target the media.

Ms. GIFFORDS. Mr. Chairman, could you indulge me for one more question?

Mr. ENGEL. Certainly.

Ms. GIFFORDS. Thank you. In terms of the Merida Initiative promoting the rule of law, that was one of the provisions, and I am curious whether or not we have seen any sort of change to protect

civil liberties or human rights, particularly among labor leaders, in Mexico.

Ms. JACOBSON. I think the way that I would put it is, certainly, that as Mexico has tackled judicial reform overall and passed the judicial reform that President Calderon championed, they are embarking on a series of changes that are really quite dramatic. They have a plan for the number of years that it will take to move from the inquisitorial system to the oral adversarial system, and one of the most important of those changes is the ability to resolve disputes not always going to court, the ability to use witnesses who are protected and will be able to testify and not, therefore, rely solely on confessions, which, unfortunately, can lead to increased human rights abuses.

Mexico is just at the beginning of implementing those procedures, so, in terms of the judicial reform, I think that it will take some time. Certainly, the Calderon administration has been vocal in its adherence to human rights standards. It is an expectation that that will be the case among its forces.

There are new and greatly expanded human rights training courses for prosecutors and police officers as part of their recruitment and training, and so it has become, I think, a much greater focus for the Mexican Government as they work on expanding and creating a modern and respectful police force.

Ms. GIFFORDS. Thank you, Mr. Chairman.

Mr. ENGEL. Thank you, Ms. Giffords.

I have two more questions which I would like to ask, and then we can let you go home. It has been a long afternoon.

I mentioned before, in my opening remarks, the CIFTA Treaty, and the Merida Initiative includes funding, and I quote what it says, "to support member states in reaching full compliance with the Inter-American Convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, which is CIFTA." I have just quoted from the Merida Initiative.

I agree with that, but I am unclear if the United States is currently in compliance with CIFTA. The U.S. has signed, but not ratified, CIFTA, so let me ask you this. Will you tell us if President Obama will press the Senate Foreign Relations Committee to ratify this treaty, and has the Obama administration had any conversations with the Senate on CIFTA since it has taken office?

Ms. JACOBSON. Thank you, Mr. Chairman. I think that, on the first question of whether or not we are in compliance with CIFTA, it is impossible to say that we are in full compliance with the treaty if we have not ratified it simply because of the legal meaning of "in compliance." The truth is, however, we are complying with all of the substantive provisions of CIFTA, and, as you may have noted earlier, I believe, there would be no changes in U.S. law required for us to comply. We are able to do that now.

In terms of the ratification of CIFTA, the administration, at this point, is working on various ways that we can comply with the responsibility to curb illegal flows of weapons going south across the border, and we will be working with the Senate on the priority treaty list. Seeking ratification of CIFTA is certainly one of those things that we will be discussing.

Mr. ENGEL. Thank you. For my final question, I want to talk about Merida again because it is so important.

Several different U.S. Government agencies are implementing assistance programs under the Merida Initiative. At the same time, the Merida Initiative, as you know, only represents a portion of overall U.S. Government efforts to fight drug-related and gang violence in both Mexico and Central America.

Last year, and I mentioned this before in one of my questions, the House of Representatives passed a bill authorizing the Merida Initiative, which would have set up a coordinator at the State Department to track all Merida and Merida-related funds and programs throughout the U.S. Government, and, again, as I mentioned before, this bill did not become law.

But let me ask you, even though it did not become law, will the State Department establish a Merida coordinator? Have you been talking about that? That would have been directed under the House-passed Merida authorization bill, and I think it would be a very good idea.

Mr. JOHNSON. Mr. Chairman, we work in a partnership, I think, across the government, and my responsibility is for the programs which fall under the INCLE account, but we all look to Roberta as the coordinator for this effort, and I think everyone across the government does.

Mr. ENGEL. Do you agree, Ms. Jacobson? Do they add things onto you without a pay raise?

Ms. JACOBSON. I think that is the way it works, sir. I have, obviously, been very proud to be part of working on crafting the Merida Initiative from its inception and now working for implementation. We meet, as an interagency team on the Merida Initiative, every 2 weeks, across government, all of the agencies working here.

We are lucky enough, in the Mexican case, in our Embassy in Mexico, to have every agency that participates in Merida working. You saw that when you were on the ground in Mexico, and in Central America we bring together the agencies working there as well. So I am optimistic that this process is working pretty well as we move ahead. Thank you.

Mr. ENGEL. Well, thank you. Mr. Johnson and Ms. Jacobson. Thank you both very much for your testimony, which was excellent, and for your patience, which was doubly excellent. I know that we will be in touch, and we will follow up on many of these things.

I think you can see, by the turnout here of members this afternoon, this is certainly a topic that is on many people's minds, and we want to work with the administration to make things better. Thank you very much.

We will give our panelists a chance to leave, and then we will call our second panel.

[Pause.]

Mr. ENGEL. Well, I am now pleased to welcome our distinguished second panel. I know Mr. Mack is going to be out shortly.

Kristen Rand is the legislative director at the Violence Policy Center. Welcome.

Andrew Selee is director of the Mexico Institute at the Woodrow Wilson Center, where he oversees its activities related to United States-Mexico relations.

Michael Braun is the managing partner at Spectre Group International, an international security consulting firm. He previously served as the chief of operations at the Drug Enforcement Administration.

I welcome all of you, and I thank you for your patience. Being on the second panel sometimes is very difficult when you have a first panel, many members, and long votes, but I am eagerly awaiting your testimony, and we will start with Ms. Rand.

STATEMENT OF MS. M. KRISTEN RAND, LEGISLATIVE DIRECTOR, VIOLENCE POLICY CENTER

Ms. RAND. Thank you, Mr. Chairman, and thank you for addressing this important issue. I am going to just briefly summarize my written statement.

Assault weapons are clearly a weapon of choice of the Mexican drug cartels, and that is because assault weapons incorporate specific design characteristics that make them much more lethal than standard sporting weapons, and that is particularly with respect to the ability to accept high-capacity ammunition magazines.

We know that AK–47 assault rifles have been identified by the Bureau of Alcohol, Tobacco, Firearms, and Explosives as a weapon type that is growing in popularity with Mexican traffickers, and this is probably due to the fact that AKs are relatively cheap and, at the same time, give cartels the firepower to assert their will against their enemies.

We also know that traffickers obtain the bulk of assault weapons that they are using in Mexico in the United States. We had confirmation of that from the prior panel.

But current U.S. policy is exacerbating the trafficking problem by allowing gun importers to bring into the United States AK-type assault rifles and other nonsporting firearms, despite the clear authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to prohibit the importation of assault rifles under the existing authority of the 1968 Gun Control Act's "sporting purposes" test.

I have gone into detail in my written statement about the legislative history of this provision that makes it clear that ATF has broad discretion under this provision to prohibit the importation of any gun or ammunition that does not have a sporting purpose.

In fact, in 1989, the George H.W. Bush administration used this existing provision of law to address this exact problem of imported assault rifles, and it was in response to mounting drug violence within the United States, in addition to a horrifying mass shooting in Stockton, California, in which the shooter used an imported AK rifle.

In 1998, the Clinton administration acted to strengthen the ban, again, under the provisions of the 1968 law, to cover assault rifles that importers had been bringing in that made minor cosmetic changes to the weapon designs and skirted the 1989 ban.

From the time that the Clinton administration strengthened that law until the George W. Bush administration took office in 2001, we really did not have any imported assault rifles on the market in the U.S., but since 2001, the Violence Policy Center has identified a tremendous increase in the number of imported assault, AK-type firearms available on the market.

In publications such as Shotgun News, there are many, many advertisements for these types of guns that originate primarily in former Eastern bloc countries, such as Romania, Bulgaria, and the former Yugoslavia. I think we have an image here, if you could project, of some examples of AKs. The next slide is a page from a Shotgun News, and, if you look closely, you can see how cheap these guns are.

We also know, from the Census Bureau, that more than 90,000 semi-automatic rifles came in from Romania in 2006 and 2007, and ATF itself has admitted that it allows importers to bring in the parts for these types of rifles, assemble them, and then they consider them to be domestically manufactured rifles, this despite being contrary to an existing law that prohibits the assembly of that gun from imported parts; so, again, another provision of existing law that is not being enforced.

The Obama administration could act today to prohibit the import of all assault rifles, under their existing administrative authority, and we would urge them to do that with all due speed. Thank you.

[The prepared statement of Ms. Rand follows:]

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STATEMENT OF KRISTEN RAND
LEGISLATIVE DIRECTOR
VIOLENCE POLICY CENTER

BEFORE SUBCOMMITTEE ON THE WESTERN HEMISPHERE

OF THE

HOUSE COMMITTEE ON FOREIGN AFFAIRS

March 18, 2009

Thank you, Mr. Chairman and members of the subcommittee, for this opportunity to present the views of the Violence Policy Center (VPC). The VPC is a national non-profit educational organization working to prevent violence. The VPC has studied the firearms industry for more than 20 years.

The Role of U.S. Guns in Mexican Drug Violence

It is clear that firearms obtained from the United States are helping fuel the drug violence in Mexico. It is also clear that military-style firearms—both imported and domestic—are the drug cartels' weapons of choice. This fact has been verified in testimony before this subcommittee by William J. Hoover, Assistant Director, Office of Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in February 2008:

> Mexican drug trafficking organizations have aggressively turned to the U.S. as a source of firearms. These weapons are used against other DTOs [Drug Trafficking Organizations], the Mexican military, Mexican and U.S. law enforcement officials, as well as innocent civilians on both sides of the border. Our comprehensive analysis of firearms trace data over the past three years shows that Texas, Arizona, and California are the three primary source states respectively for U.S.-sourced firearms illegally trafficked into Mexico. ***Recently, the weapons sought by drug trafficking organizations have become increasingly higher quality and more powerful. These include the Barrett .50-caliber rifle, the Colt AR-15 .223-caliber assault rifle, the AK-47 7.62-caliber assault rifle and its***

variants, and the FN 5.57-caliber pistols better known in Mexico as the cop killer. [Italics added.][1]

Smugglers reportedly move guns into Mexico in a variety of ways, but according to the *Associated Press* "most are driven through ports of entry, stuffed inside spare tires, fastened to undercarriages with zip ties, kept in hidden compartments, or bubble-wrapped and tucked in vehicle panels." Arizona's Attorney General described this traffic recently as "a 'parade of ants'—it's not any one big dealer, it's lots of individuals."[2] The dimensions of that traffic are not known, but it appears to be growing. U.S. and Mexican officials report that, based on ATF tracing data, the cartels get between 90 percent and 95 percent of their firearms from the United States. Traces by ATF of firearms from Mexico have reportedly increased from 2,100 in 2006 to 3,300 in 2007 and 7,700 in 2008.[3]

Why Drug Cartels Covet Military-Style Weapons

It is important to understand why drug cartels favor these military-style firearms.

Assault weapons, such as the AK-47 and the AR-15, are favored because they incorporate specific design characteristics that make them more lethal—that is, more effective killing machines—than standard sporting firearms. Civilian assault weapons can be rifles, pistols, or shotguns. They are semiautomatic (firing one bullet per trigger pull) military-style, anti-personnel firearms. Unlike true military weapons, they are not fully automatic (firing bullets as long as the trigger is depressed). Military and civilian assault weapons, however, share key design features, including: pistol grips or barrel shrouds that allow the weapon to be "spray-fired" from the hip; and, the ability to accept detachable, high-capacity ammunition magazines holding from 10 to 100 rounds of ammunition. These features make it possible for the shooter to quickly fire across a relatively wide area with a lethal spray of bullets. This increased lethality makes assault weapons particularly dangerous in civilian use and explains their appeal to mass murderers, cop killers, and other violent criminals. It also distinguishes them from true hunting or target weapons.[4]

The Barrett 50 caliber sniper rifle is specifically designed to engage and destroy materiel targets on the battlefield at long range. These anti-armor rifles combine range and striking power that is far beyond that of any hunting rifle, and beyond that of the rifles our infantry carry. Armored personnel carriers, aircraft, rail tank cars, bulk fuel storage, and concrete bunkers are vulnerable to 50 caliber rifle fire at distances of 1,000 to 2,000 yards.[5]

The Belgian FN Herstal Five-seveN handgun is a pistol and cartridge specifically designed to defeat body armor. This handgun is known as the *mata policia* or "cop killer" in Mexico.[6]

All of these military-style firearms—and many more—are readily available throughout the United States. In fact, it is quite easy for any individual to build an arsenal sufficient to outfit an army. This is the inevitable result of specific design choices and marketing strategies employed by U.S. civilian gun industry. Today, military-style firearms dominate the U.S. civilian market. One gun industry publication recently opined that "the sole bright spot in the industry right now is the tactical end of the market, where AR and AK pattern rifles and high-tech designs, such as FNH USA's PS90 carbine, are in incredibly high demand right now."[7]

America is Awash in Military-Style Firearms—Manufactured Abroad and in the United States

Imported Assault Rifles

The vast majority of AK-type rifles available on the American market today are of foreign manufacture. This is true despite the fact that a ban on imported assault rifles has technically been in place since 1989, a product of the George H.W. Bush administration. The "import ban" was the direct result of the federal government's efforts to crack down on the weapons favored by U.S. drug cartels. In fact, a primary proponent of the 1989 ban was then-"Drug Czar" William Bennett.[8] The 1989 ban relied on existing executive authority under the 1968 Gun Control Act to prohibit the import of firearms that are not "generally recognized as particularly suitable for or readily adaptable to sporting purposes," the so-called "sporting purposes" test.[9]

The legislative history of the "sporting purposes" test clearly indicates that Congress intended the importation standard in section 925(d)(3) to exclude military-type weapons from importation.

According to the Senate Report, section 925(d)(3) was intended to "curb the flow of surplus military weapons and other firearms being brought into the United States which are not particularly suitable for target shooting or hunting."[10]

The Senate report explains that "[t]he importation of certain foreignmade and military surplus nonsporting firearms has an important bearing on the [crime] problem which this title is designed to alleviate. Thus, the import provisions of this title seem entirely justified."[11]

During debate on the bill, Senator Thomas Dodd, the sponsor of the legislation, stated, "Title IV prohibits importation of arms which the Secretary determines are not suitable for...sport.... The entire intent of the importation section is to get those kinds of weapons that are used by criminals and have no sporting purpose."[12] With respect to the meaning of "sporting purposes," Senator Dodd stated that "[h]ere again I would have to say that if a military weapon is used in a special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event.... As I said previously the language says no firearms will be admitted into this country unless they are genuine sporting weapons."[13]

The responsibility for determining whether a firearm meets the "sporting purposes" test was delegated to the Secretary of Treasury (where ATF was housed at the time). The discretion to make these determinations was given to the Secretary largely because Congress recognized that section 925(d)(3) was a technical and difficult provision to implement. Immediately after discussing the large role cheap, imported 22 caliber revolvers were playing in crime, the Senate Report stated:

> [t]he difficulty of defining weapons characteristics to meet this target without discriminating against sporting quality firearms, was a major reason why the Secretary of the Treasury has been given fairly broad discretion in defining and administering the import prohibition.[14]

The Bush administration's action in 1989 also withstood a legal challenge. An importer challenged ATF's authority to suspend the import of certain AUG-SA assault rifles pending the agency's review of import procedures. A suit was filed in federal court, seeking to prohibit the government from interfering with the delivery of firearms imported under permits issued prior to the temporary suspension.

The Court of Appeals found that the government had the authority to suspend temporarily the importation of the AUG-SA rifles and rejected the importer's contention that the suspension was arbitrary and capricious because the AUG-SA rifle had not physically changed, explaining that the gunmaker's argument "places too much emphasis on the rifle's structure for determining whether a firearm falls within the sporting purpose exception." The court found that ATF adequately had considered sufficient evidence before imposing the temporary suspension, citing evidence ATF had considered which demonstrated that semiautomatic assault-type rifles were increasingly being used in crime.[15] No one challenged the final determination that the semiautomatic assault rifles banned from importation did not meet the "sporting purposes" test.

The ban was strengthened by the Clinton administration in 1998 to exclude from import any assault rifle with the "ability to accept a detachable large capacity

magazine originally designed and produced for a military assault weapon."[16] The Clinton administration acted in response to gun industry efforts to evade the import restrictions, including slight cosmetic modifications to gun designs.

It appears, however, that during the past eight years of the George W. Bush administration, ATF has almost completely abrogated the ban on imported assault rifles. The evidence that the Bush administration has weakened the ban on imported assault weapons includes a glut of AK-variant assault rifles from former Eastern Bloc nations for sale to U.S. gun dealers and the general public. It is not clear how many of these guns enter the country fully manufactured and how many are brought in as parts and assembled here. Regardless of the physical state of the guns when they are imported—complete or in parts—the importers are clearly skirting the law. The presidential directives implementing the import restrictions were clear that the goal was to make imported assault weapons unavailable in the U.S. market. Moreover, Congress passed an amendment in 1990 prohibiting the domestic assembly of non-importable firearms. The sponsor of the amendment, Representative Jolene Unsoeld, described her amendment thusly, "My amendment would clarify that the ban refers to domestic assembly of nonimportable firearms only." Representative John Dingell, a supporter of the amendment, said, "The Unsoeld amendment is really a perfecting amendment. Adding 'from imported parts' to the language of section 705, makes it clear and unambiguous that our goal is to prohibit a person from end running the current ban on certain foreign made firearms by importing their parts and assembling them in the United States."[17]

Despite the clear intent of Congress that this provision was designed to strengthen the 1989 ban on imported assault rifles, ATF appears to be interpreting the language in a way that allows importers to assemble prohibited firearms from imported parts.[18] Some importers are also skirting the law by making slight changes to their magazine wells so that they are technically not guns "that have the ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon," as required under the 1998 Clinton administration ruling.[19]

It is clearly within ATF's existing authority to ban the importation of all assault rifles. The current wording of the regulation implementing the ban on assembling non-importable firearms from parts that ATF is allowing importers to use to skirt the import ban is little more than a self-imposed impediment that the agency could re-write to comport with the language of the statute itself, the legislative history, and the clear intent of Congress. Moreover, ATF can, and should, expand the import ban beyond assault rifles to cover assault pistols. In fact, President Clinton issued an executive memorandum in 1993 ordering ATF to review the "factoring criteria" the agency uses to exclude the import of some non-sporting handguns (e.g. "junk guns" or "Saturday Night Specials") to apply to assault pistols.[20] ATF has never updated the criteria

although it is clearly within its authority to use the "sporting purposes" test to exclude any type of assault weapon—whether it is a rifle, pistol, or shotgun.

Although relatively new on the market, AK-type assault pistols are already showing up in the arsenals of Mexican drug cartels. This is not surprising since these assault pistols combine the power of rifle ammunition (7.62x39mm) with the concealability of a pistol.

An Effective Federal Legislative Assault Weapons Ban

Although it is possible to address the problem of *imported* assault weapons through administrative action, fully addressing the assault weapon problem will require legislation. It is important to note that a truly effective assault weapons ban would impact both imported as well as domestically manufactured guns. In practice, the expired 1994 ban impacted only domestically manufactured weapons since the import ban imposed a more stringent definition than did the 1994 law. The main flaw with the 1994 law was its definition of "assault weapon." The 1994 law banned specific assault weapons by name—e.g. UZI, Avtomat Kalashnikov (AK-47), AR-15—as well as their "copies or duplicates." The law also classified as assault weapons semiautomatic firearms that could accept a detachable ammunition magazine and had *two* additional assault weapon design characteristics. Changes that allowed an assault weapon to stay on the market were as minor as removing a flash suppressor at the end of a gun's barrel.

As a result, soon after the the 1994 law was enacted, the gun industry was able to evade it by making slight, cosmetic design changes to banned weapons—including those banned by name in the law—and continue to manufacture and sell these "post-ban" or "copycat" guns. By the time the law "sunset" in September 2004, of the nine assault weapon brand/types banned by name and manufacturer in the law, six of the brand/types were still marketed in post-ban "copycat" configurations. During the ban's tenure gunmakers openly boasted of their ability to circumvent the law. In fact, there were more assault weapon manufacturers in business during the term of the ban than had existed at its inception.

According to an article in the May 2003 issue of *Gun World* reviewing a post-ban, AR-15 "copycat," the LE Tactical Carbine:

> Strange as it seems, despite the hit U.S. citizens took with the passage of the onerous crime bill of 1994 [which contained the federal assault weapons ban], ARs are far from dead. Stunned momentarily, they sprang back with a vengeance and seem better than ever. Purveyors abound producing post-ban

ARs for civilians and pre-ban models for government and law enforcement agencies, and new companies are joining the fray.

Just such a post-ban AR-type assault rifle, the Bushmaster XM15 M4 A3, was used by the Washington, D.C.-area snipers to kill 10 and injure three in October 2002. The snipers' Bushmaster was even marketed as a "Post-Ban Carbine," with certain features touted as "BATF Approved."

ATF has identified AR-type assault rifles as one of the firearms most commonly used by Mexican drug traffickers.[21]

The industry's efforts were aided by the fact that not all guns that are in fact assault weapons were covered by the 1994 ban. For example, assault weapons with more conventional designs, such as the Ruger Mini-14, were not covered by the 1994 law—although gun experts define them as assault weapons. Furthermore, any gun that was legally possessed as of the date the 1994 law took effect could be legally possessed and transferred without restriction. With respect to high-capacity ammunition magazines, manufacturers stockpiled thousands, or perhaps hundreds of thousands, of magazines before the ban took effect. At the same time, the importation into the U.S. of pre-ban, high-capacity ammunition magazines from around the world was allowed to continue unabated. As a result, high-capacity magazines—some of which can hold up to 75 rounds of ammunition—were widely available throughout the term of the ban.

There *is* a working model for an effective federal assault weapons ban. California has an effective ban that went into effect in 2000.[22] California made significant improvements in its original assault weapons law—which the 1994 federal ban closely resembled—to address actions taken by assault weapon manufacturers to circumvent the ban. Proof of the effectiveness of California's current, updated law can be seen in advertisements for all types of assault weapons. These advertisements routinely include warnings that a particular assault weapon cannot be sold in California.

A bill that is closely modeled on California's successful law was introduced last Congress by Representative Carolyn McCarthy as H.R.1022. The Violence Policy Center strongly supports this approach.

Other Policy Options to Help Reduce Weapons Trafficking to Mexico

Steps That Can be Taken Without New Legislation

ATF could be more aggressive in identifying and sanctioning Federal Firearms License (FFL) holders who are the sources of high numbers of guns trafficked to Mexico. For example:

- **Target border-state dealers for yearly compliance inspections.** ATF is allowed to conduct one warrantless compliance inspection of each dealer once a year. It should ensure that dealers found through trace data to supply a significant number of guns seized in Mexico are inspected annually.

- **Be more aggressive in revoking the licenses of dealers found to be knowingly supplying Mexican traffickers.** Although federal law allows a license to be revoked for a single violation—provided ATF can show it was "willful"—ATF usually does not seek revocation unless a dealer has had numerous problems over years of inspections.

- **Require licensees who conduct business at gun shows to notify the Attorney General of such activity.** ATF has acknowledged that gun shows in border states are a significant source of guns trafficked to Mexico. The law allows the Attorney General to prescribe the rules for dealers operating at gun shows. ATF could focus targeted oversight and regulation on FFLs who sell at gun shows in border states and sanction dealers identified as actively supplying those trafficking firearms to drug gangs in Mexico.

Measures That Would Require Legislation

- **Repeal the current restrictions on release of ATF crime gun trace data ("Tiahrt amendment").** For several years the legislation making appropriations for the Bureau of Alcohol, Tobacco, Firearms and Explosives has included severe restrictions on the public release of data contained in the crime gun trace database. Previously, the data was publicly available under the Freedom of Information Act (FOIA). Access to this database is critical to a full understanding of the gun trafficking problem, e.g. most problematic makes/models, source states and dealers, etc. It is imperative that Congress be convinced to repeal these restrictions in ATF's fiscal year 2010 appropriations.

- **Implement restrictions on 50 caliber sniper rifles.** A bill to regulate 50 caliber sniper rifles under the strict licensing, background check, and taxation system of the National Firearms Act was introduced last Congress by Senator Dianne Feinstein (S. 1331).

- **Extend the Brady background check system to the "secondary market."** A long-term policy goal should be to ensure that all firearms transfers are subject to a background check. Currently, up to 40 percent of firearm transfers occur at gun shows, through classified advertising, or in other private sales. A first step in this process would be to close the "gun show loophole" that allows private sellers to transfer firearms at gun shows and flea markets without a background check.

Endnotes

1 Testimony of William J. Hoover, Assistant Director, Office of Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice, Hearing of Western Hemisphere Subcommittee of the House Committee on Foreign Affairs on "U.S. Obligations Under The Mérida Initiative," February 7, 2008.

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4 See e.g., Violence Policy Center, *Bullet Hoses: Semiautomatic Assault Weapons—What Are They? What's So Bad About Them?* (May 2003), http://www.vpc.org/studies/hosecont.htm.

5 See e.g., Violence Policy Center, *Clear and Present Danger: National Security Experts Warn of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* (July 2005), http://www.vpc.org/50caliber.htm.

6 See e.g., Violence Policy Center, *"Big Boomers"—Rifle Power Designed into Handguns* (December 2008), http://www.vpc.org/press/0812boom.htm.

7 *The New Firearms Business*, November 15, 2008, p.1.

8 "Bennett feels the heat over stand on guns," *Chicago Tribune Wires*, March 18, 1989.

9 18 USC §925(d)(3).

10 S. Rep. No. 1501, 90th Cong. 2d Sess. 22 (1968).

11 S. Rep. No. 1501, 90th Cong. 2d Sess. 24 (1968).

12 114 Cong. Rec. S 5556, 5582, 5585 (1968).

13 114 Cong. Rec. 27461-462 (1968).

14 S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

15 *Gun South, Inc. v. Brady*, 877 F.2d 858 (11th Cir. 1989).

16 *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* (April 1998), p. 37.

17 Cong. Rec., October 4, 1990, H8864 (statements of Reps, Unsoeld, Dingell, and Schulze). (18 USC §922(r) prohibits any person from assembling "from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under 925(d)(3); 27 C.F.R. § 478.39 prohibits the assembly of a semiautomatic rifle or any shotgun using more than 10 enumerated parts that are imported if the assembled firearm is prohibited from importation (under 18 USC 925(d)(3)).

[18] "Bush to cops: drop dead," *Mother Jones* (July/August 2008).

[19] See e.g. Sarco, Inc. advertising for the "WASR-10 Pistol Grip Semi-Auto Rifle,"— "the WASR-10 will not accept conventional AK type magazines." *(Shotgun News*, March 20, 2008), p. 138.

[20] Memorandum on Importation of Assault Pistols, *Memorandum for the Secretary of the Treasury,* August 11, 1993.

[21] ATF Fact Sheet, Project Gunrunner, http://www.atf.gov/press/factsheets/0908-factsheet-project-gunrunner.pdf.

[22] California Penal Code §§ 12275-12278 (The California law also includes a ban on 50 caliber sniper rifles).

EXAMPLES OF IMPORTED AK VARIANT ASSAULT RIFLES

IMPORTED AK VARIANT ASSAULT RIFLES FOR SALE

THE NEW TREND: IMPORTED ASSAULT PISTOLS

VOLUME 62 - ISSUE 28

9MM
Semi-Auto

Swiss Made
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B&T

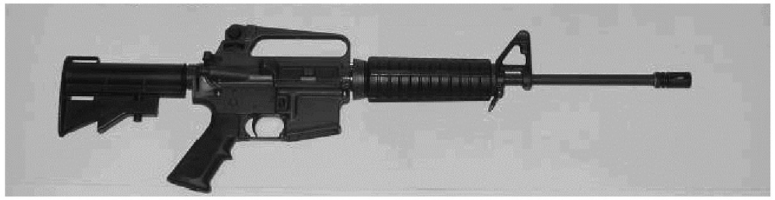
TP-9 Pistol

Ambidextrous Design: Ambidextrous safety, charging handle, sling attachment and magazine release, all standard, right out of the box. **Safety:** The TP-9 features a trigger safety, firing pin drop safety, and manually operated cross bolt safety. **Lightweight Design:** The TP-9 weighs just an incredible 44 ounces due to its lightweight polymer and steel design and construction, making it the lightest and most modular weapon platform in its class. **Adjustable Sights:** The TP-9 features a rugged front post sight with a click adjustable notch rear sight for the ultimate in accuracy with a wide variety of ammunition types. **Easy Operator Maintenance:** Strips down in seconds and is easily maintained as it requires no special tools. **Available in:** Black, OD Green, and Desert Tan. Comes with one 15 round and one 30 round magazine, and foam lined hard case and user manual . . . . . **P.O.R.**

ALSO AVAILABLE: **TP-9 SF - Select Fire** - Available to qualified Dealers, Law Enforcement, Government Agencies and Military Personnel. **TP-9 SBR - Short Barreled Rifle** - Available to individuals that reside in states that permit ownership of NFA Short Barreled Rifles. Please contact DSA for more information and pricing.

EXAMPLE OF HOW THE GUN INDUSTRY EVADED THE 1994 ASSAULT WEAPONS BAN

BANNED COLT AR15 ASSAULT RIFLE



LEGAL BUSHMASTER XM15 (AR-TYPE) ASSAULT RIFLE

Bushmaster XM15 M4 Type 16" Post-Ban Carbine...

M4 Profile Barrel • Mini Y Comp Muzzle Brake • Fixed length BATF Approved Tele-style Stock

A new model from Bushmaster in 2001, this XM15 E2S M4 Type Post-Ban Carbine features a lightweight 14.5" Barrel machined in the distinctive M4 profile with a permanently attached Mini Y Comp muzzle brake. This configuration yields a total barrel length of 16" to comply with Post-Ban regulations. A BATF approved fixed tele-style buttstock is added to complete the military look of this new carbine. The 14.5" barrel is chrome lined in both bore and chamber for maximum longevity and ease of maintenance. The barrel's button rifling, in a 1 x 9" right hand twist, will stabilize a wide range of currently available ammunition with bullet weights up to 69 grains. The M16A2 dual aperture, rear sight system offers both windage and elevation adjustments - elevation is calibrated from 300 to 800 meters. The two different apertures give either a short range, quick target acquisition sight picture or a smaller "peep" aperture for long distance accuracy. The tele-stock style buttstock is pinned and fixed in an "open" position and has been BATF approved for use on Post-Ban manufactured carbines.

As with all other Bushmasters, the forged 7075T6 aircraft quality aluminum receivers are finished in a non-reflective mil. spec. hard anodize for durability, and include all M16A2 design improvements such as cartridge case deflector, last round bolt hold-open and raised ridges for magazine release button protection. A mil. spec. manganese phosphate coating insures complete protection against corrosion or rust on barrel and other exposed steel parts. The M4-16" Carbine is shipped in a lockable, hard plastic case - complete with 10 round magazine, carrying sling, and Operator's Safety and Instruction Manual.

BATF Approved, Fixed Position, Tele-Style Buttstock

M4 Profile Chrome Lined Barrel & Mini Y Comp Muzzle Brake (permanently pinned and welded in place)

SPECIFICATIONS: XM15 M4 Type 16" Post-Ban Carbine

Caliber	.223 Rem. (5.56 mm)
Mag. Capacity	Shipped with 10 round (accepts all M16 type)
Overall Length	34.875 inches (88.6 cm)
Barrel Length	16" total w. Mini Y Comp (40.6 cm)
Rifling	R.H. twist, 1 turn in 9"
Weight w/o magazine	6.59 lbs. (2.99 kg)
Mode of Operation	Gas Operated - Semi-Automatic

Bushmaster XM15 E2S M4 Type 16" Post-Ban Carbine

(Model Number PCWA2X 14M4MY)

Call your FFL Dealer for Price. Shipped with 10 Round Magazine, Sling and Operator's Manual in Bushmaster's lockable rifle case.

This new carbine is also available in an "A3" type model including the Bushmaster Flat-top Upper Receiver and Removable A3 Carry Handle to offer you the ultimate in sight and scope mounting versatility.

Call your FFL dealer for pricing on... Model # PCWA3X 14M4MY

ORDERS 24 hrs. 1 800 998 7928

Bushmaster Value!...

All complete Bushmaster Rifles and Carbines are shipped in this foam lined, hard plastic, lockable case.

A $14.95 Value!

Mr. ENGEL. Thank you, Ms. Rand. Mr. Selee?

STATEMENT OF ANDREW SELEE, PH.D., DIRECTOR, MEXICO INSTITUTE, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. SELEE. Thank you, Mr. Chairman. It is an honor to be able to testify in front of the committee. This is both a timely and a well-focused hearing. It is timely because the organized crime tied to drug trafficking in Mexico is clearly something that——

Mr. ENGEL. Mr. Selee, we just want to check your microphone.

Mr. SELEE. Yes. Thank you. Thank you again, Mr. Chairman, for the opportunity to be here.

The issue of organized crime tied to drug trafficking in Mexico is extremely timely, given the rising violence in Mexico. As we have heard, there were over 6,000 drug-related killings last year.

The Mexican Government has accurately defined this as the country's greatest threat and taken measures to try and deal with this while strengthening judicial and police institutions in Mexico.

Indeed, much of the violence we are seeing in Mexico is the result of the government's aggressive campaign against drug traffickers since the arrest of key dealers and the closing of old trafficking routes have created new rivalries and divisions among the drug trafficking organizations.

As Congresswoman Giffords pointed out, three states today account for most of the violence, as cartels have split up and are fighting over old trafficking routes.

We should not confuse this spike in violence with the breakdown of order in Mexico. That is not happening. The failed-state question and all of that; that is now what is going on.

However, at the same time, the violence is a symptom of something deeper, of the ongoing presence of organized crime and its capacity to corrupt law enforcement and judicial institutions in many places throughout the country. When the violence goes down, and it is likely that it will, at some point—at some point, the cartels will decide that it is not a good business model to be killing each other, and they are going to come up with pacts—we should also not confuse that with the resolution of the problem.

Organized crime tied to drug trafficking has penetrated Mexican institutions in new and dangerous ways. The Mexican Government and Mexican society are right to make this a priority for action, and I would also echo what Congresswoman Gifford said about the attacks on journalists. There is a series of things that have come out of this that are of great concern to Mexican society.

We, in the United States, have a huge stake in what happens in Mexico, both because Mexico is a neighbor and a strategic partner and because the issue of drug trafficking involves both of us in equal parts. As President Obama said the other day, "It is a two-way situation."

For this reason, today's hearing is especially well focused. Although much of the violence is on the Mexican side of the border, and Mexico faces significant challenges for strengthening its institutions, these organizations are sustained by the appetite for narcotics on our side, with U.S. drug sales accounting for as much as $15–25 billion that is sent back to Mexico each year to fuel the car-

tels. Part of the solution is, therefore, on our side of the border as well.

Fortunately, we have seen, as we heard earlier from the previous panel, a great deal of law enforcement cooperation that has taken off the Merida Initiative has been central to this, beyond the actual funding itself, has been really creating the environment of trust on both sides of the border.

However, and this is the main point I would like to make today, the most important actions that the U.S. Government could take to undermine the reach and violence of the drug trafficking organizations need to be taken on this side of the border, and there are three sets of actions that I think we could strengthen things we are doing now, but that we could a lot better, that would make a huge amount of difference, and I am going to draw on the report that the Wilson Center did called The United States and Mexico: Towards a Strategic Partnership.

First, we could do a lot more to reduce the consumption of drugs in the United States. It has been said several times today that the demand for narcotics is what drives the drug trade, and I think that is something that President Obama has been very open about, and it is something that this subcommittee has been very open about.

There is no magic bullet to do this. However, if we look at recent Federal expenditures on narcotics, it shows that we have increasingly emphasized supply reduction and interdiction while scaling down our commitment to lowering consumption in the United States.

Available research suggests that investing in the treatment of drug addictions is not only good for U.S. communities, but it is the most cost-effective way of driving down the profits of drug trafficking organizations, hitting them at the bottom line.

There is also a great deal we can do at preventing addictions. It is something that has not always been successful in the past, but there are some new models out there that have been very successful that we could be building on and scaling up.

Secondly, we could do much more to disrupt the $15–25 billion that flows from drug sales in U.S. cities back to drug trafficking organizations in Mexico and fuels the violence we are seeing.

Just to summarize, there is no single agency which has complete responsibility for this. One of the things that has happened is we have seen drug trafficking organizations move from laundering money in financial institutions to bulk cash, and this is something that really needs a higher level of cooperation among DEA, CBP, ICE, FBI, Treasury, and local law enforcement to trace it.

Third, we can do much more to limit the flow of high-caliber weapons from the United States to Mexico, and Ms. Rand has already covered that.

Let me just say, to finish up, actually, and I think part of the solution, by the way, is also more ATF inspections at the border, but also getting more cooperation among other agencies, seeing this as a major issue that all law enforcement agencies should be looking at, and enforcing current laws.

Why does this matter? Most of these things are domestic issues. Why talk about this in the Subcommittee on the Western Hemisphere?

Clearly, this is something where we need to bring together the foreign policy community and our domestic institutions. If we are really going to tackle our shared problem with Mexico of drug trafficking, we need to begin to get our foreign policy agencies with our domestic agencies, and that means the leadership of committees like this, and your counterparts in the Senate, who see the foreign policy dimension of this but can also talk to your colleagues who are on the domestic committees.

This is the kind of challenge which we cannot solve merely by the Merida Initiative, though that is a good start, but we really need to get some cooperation going on our side of the border as well. I will stop there.

[The prepared statement of Mr. Selee follows:]

"Limiting Organized Crime Violence in Mexico: What the United States Can Do"

Testimony by
Andrew Selee, Ph.D., Director of the Mexico Institute, Woodrow Wilson Center to the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere

Chair: Hon. Eliot L. Engel

March 18, 2009

I would like to thank Chairman Engel for the opportunity to testify today. This hearing is both timely and well-focused.

The issue of organized crime tied to drug trafficking in Mexico is timely because of the rising violence in Mexico, which reached around 6,000 drug-related killings last year. The Mexican government has accurately defined this as the country's greatest threat and taken a valiant stance against organized crime, while trying to strengthen Mexico's police forces and judicial institutions.

Indeed, much of the violence we are seeing today in Mexico is the result of the government's aggressive campaign against drug traffickers, since the arrests of key leaders and the closing of old trafficking routes have created new rivalries and divisions among the drug trafficking organizations. Three states today account for two-thirds of the violence because these are the areas where divisions within in existing cartels and competition over trafficking routes between groups has led to significant cartel-on-cartel violence. We should not confuse this spike in violence with the break-down of order in Mexico.

However, at the same time the violence is the symptom of something deeper – of the ongoing presence of organized crime and its capacity to corrupt law enforcement and judicial institutions in many places throughout the country. When the violence goes down – and it may eventually when the cartels decide it is bad for business – we should not confuse that with the

resolution of the problem either. Organized crime tied to drug trafficking has penetrated Mexican institutions in new and dangerous ways, and the Mexican government and Mexican society are right to make this a priority for action.

The United States has a huge stake in what happens in Mexico, both because Mexico is a neighbor and a strategic partner, and because the issue of drug trafficking involves both of us in equal parts. It is, as President Obama said the other day, "a two-way situation." For this reason, today's hearing is especially well-focused. Although much of the violence is on the Mexican side of the border, and Mexico faces significant challenges for strengthening its institutions and its law enforcement capacity, these organizations are sustained by the appetite for narcotics on our side, with U.S. drug sales accounting for as much as $15 to 25 billion that is sent back to Mexico each year to fuel the cartels' activities. Some of these proceeds are used to buy weapons for the drug trafficking organizations, usually in the United States. When we see the violence across the border – and its deeper consequences for democracy and rule of law – we should recognize that our country houses those who knowingly or unknowingly finance and equip the organized crime organizations behind it. And that means that we also hold the key to at least part of the solution of this problem.

Fortunately, law enforcement cooperation between the governments of the United States and Mexico has increased significantly in recent years. We are now able to track and apprehend some of the worst criminals involved in the drug trade as they move from one country to another, and to share timely intelligence that helps disrupt the operations of drug trafficking organizations. The approval by Congress of the Merida Initiative last year has further deepened this cooperation by strengthening contacts and building trust between the two governments to address this common threat together.

However, the most important actions that the U.S. government could take to undermine the reach and violence of these drug trafficking organizations need to be taken on this side of the border. There are three sets of actions that we could reinforce that would be especially vital to undermining the drug trafficking organizations. All of these actions are in our national security interest because they will help stabilize the situation in Mexico and prevent any spillover into the United States. They are also good domestic policy because they would make our communities in the United States safer and more secure. The ideas I suggest here are drawn from a report published by the Woodrow Wilson Center, *The United States and Mexico: Towards a Strategic Partnership,* that builds on the input of over one hundred experts from both countries on the best ways we could work together to strengthen ties across the border (it is available on our website, www.wilsoncenter.org/mexico).

First, we can do a lot more to reduce the consumption of drugs in the United States. The demand for narcotics in this country drives the drug trade elsewhere in the hemisphere, including Mexico. There is, of course, no magic bullet to do this – and I claim no particular expertise on the prevention and treatment of addictions. However, even a cursory look at recent federal expenditures on narcotics shows that we have increasingly emphasized supply reduction and interdiction while scaling down our commitment to lowering consumption in the United States. Available research suggests that investing in the treatment of drug addictions may not only be good for U.S. communities, but also be the most cost effective way at driving down the profits of drug trafficking organizations by reducing their potential market. We have also learned a great deal in recent years about preventing addictions, including the highly successful campaigns against tobacco addictions, which could be put to good use in renewed efforts at preventing illegal drug use. We cannot eliminate drug use or addictions, but it is worth making a

concerted effort to drive down demand not only for public health reasons but because it hurts the bottom line of criminal organizations.

Second, we can do much more to disrupt the 15 to 25 billion dollars that flow from drug sales in U.S. cities back to drug trafficking organizations in Mexico and fuel the violence we are seeing. The Treasury Department has done a good job of making it difficult to launder money in financial institutions. However, the drug trafficking organizations have now turned to shipments of bulk cash, which has become the preferred way of getting their profits back across the border. Currently no single agency is fully tasked with following the money trail in the way that agencies are tasked with pursuing the drugs themselves. DEA, CBP, ICE, FBI, Treasury, and local law enforcement are all part of this effort currently, but all are primarily tasked with other responsibilities. It is worth noting that it is both impractical and undesirable to try to stop this flow only at the border. Massive sweeps of cars exiting the United States for Mexico would disrupt the economic linkages between border cities and probably yield few gains, since the cash is often divided up and taken across the border in small amounts (or converted into luxury goods for legal export). The real challenge is developing the intelligence capabilities to detect the flow of money as it is transported from one point to another in the United States as cash, or when it enters financial institutions as money transfers, foreign exchange purchases, and bank deposits. There are recent experiences in pursuing terrorist financing that may be useful models for similar efforts to pursue the finances of drug traffickers; however, with bulk cash especially, coordination among law enforcement agencies should be paramount.

Third, we can do much more to limit the flow of high caliber weapons from the United States to Mexico. Most of the high-caliber weapons – over 90% – that are used by Mexican drug trafficking organizations are purchased in the United States and exported illegally

to Mexico. It is vital to increase the number of ATF inspectors at the border, as well as to strengthen cooperation with other law enforcement agencies, which often have relevant intelligence on trafficking organizations. The current prosecution by the Arizona Attorney General's office of a gun dealer who was knowingly selling arms to drug trafficking organizations is a powerful precedent, but it is only a first step. The Obama administration might also look more broadly at the question of access to high-caliber assault weapons in the United States, although these are clearly difficult issues that arouse significant passions on all sides. There is much that we can do to limit the access that criminals now have to high-powered weapons without violating the spirit of the second amendment or affecting the interests of American hunters and gun collectors.

Over the past few years our efforts to deal with drug trafficking organizations have been primarily focused on interdicting the supply of drugs abroad and at home. While this has led to some positive results in making drug trafficking more difficult, it is time to complement aggressive interdiction with a comprehensive approach that attacks the sources of the profits and the weaponry that now fuel drug-related violence. This requires looking at our domestic responsibilities for reducing consumption rates and disrupting the supply of money and guns, while helping Mexico develop both the law enforcement capacity and the institutions that make it difficult for organized crime to operate there.

This requires both presidential and congressional leadership to get our foreign policy and domestic agencies working together to address this problem from a variety of angles. There is no magic solution to the threats posed by organized crime, but a more comprehensive strategy would help reduce the reach and impact of these criminal organizations. If we do this, we will not only be performing a service to our neighbors and partners in Mexico, who wish to live in

peace without the threat that drug trafficking organizations now present to their safety and to the rule of law, but also to communities throughout the United States that live with both the public health and public security consequences of drug trafficking.

Mr. ENGEL. Thank you very much. Mr. Braun?

STATEMENT OF MR. MICHAEL A. BRAUN, MANAGING PARTNER, SPECTRE GROUP INTERNATIONAL, LLC

Mr. BRAUN. Chairman Engel, Ranking Member Mack, thank you very much for the invitation to testify before you today. Although I am in the private sector now and have been for about 4 months, I spent 34 years in law enforcement, the last 24 of which were with the DEA, and I ended up, in my last 4-year assignment with that agency, as the organization's number-three chief of operations.

I lost a lot of sleep over what has been going on in Mexico over the past 3 years. DEA has 11 offices in Mexico. We have got a big footprint. The agency is working, shoulder to shoulder, with our Mexican counterparts to take on this ever-evolving threat.

It is important to mention also, you have got a lot of Federal law enforcement folks down there. You have got ICE agents, FBI agents, and others that are working with our brave Mexican counterparts.

Three questions I would like to answer in my opening comments: What is really happening in Mexico on the ground right now? What is causing it? And the last question to be answered, I believe, is, can Mexico win?

The first question: What is really going on? Well, there is a real drug war playing out in Mexico, obviously, with over 6,000 drug-related homicides last year. An important piece that has not been mentioned: 534 police officers alone killed last year. Of those 530, 493 were killed as a result of drug-related violence. Over 200 beheadings, for God's sake. What is playing out on Mexico's streets matches, and sometimes exceeds, our worst days in Afghanistan and Iraq.

So what is causing it? Drug violence; it is nothing new to Mexico. There has been plenty of drug violence over the years, but what has happened over the last 4 years, really, or 5 years, quite frankly, is the cartels have been wept up in the perfect storm.

About 4 years ago, DEA, ICE, and the FBI began very aggressively attacking the financial infrastructure of the cartels in Mexico, as well as other Colombian cartels and others. At DEA, I know the agency mandated that every investigation now have, and this was about 4 years ago, have a financial aspect to every case. Reverse engineer the cases. We have done a great job of following the drugs in one direction; let us just start following the money back in the other direction.

In 2007, I left before the numbers were in. In 2008, the DEA seized about $450 million in cash in the United States. The vast majority of that was destined for Mexico.

The second thing that was going on about 3½–4 years ago: Several of the cartels began fighting over turf. Again, that has happened many times in the past. There is a very important piece that leads into that. So that was going on.

The next dynamic, or the next dimension, to this is, is President Calderon is elected. Shortly after taking office, I believe he understands clearly that he has got a real threat on his hands, that Mexico could devolve into a narcostate within the next decade, as General McCaffery's report and assessment just found not long ago.

So he developed a long-term strategy to break the backs of the cartels, pushed 45,000 Mexican military personnel to bolster the ranks of the Federal law enforcement, and he has taken on the cartels like no one has ever taken them on before. So that is another important piece to what is happening in Mexico now.

The fourth element is Federal law enforcement in our country working very closely with our military, strongly supported by Admiral Saveredes at SOUTHCOM, Vice Admiral Mimick at GADSOUTH, and, from your bailiwick, Congressman Mack, have supported DEA, ICE, FBI in attacking the soft underbelly of the cartels, their transportation infrastructure.

I do not want to give up all of the secrets, but the very important piece to this strategy was attack the transportation nodes that are moving the drugs up and constantly attack them with everything that our nation can bring to bear against them. Every time we cause them to change, which is what this strategy does, they become more vulnerable. As they become more vulnerable, we become more successful.

The seizure rates are off the charts for the last 3 to 4 years. The bottom line is that with that revenue denied, as well as that massive cash flow that we are taking away from them, they are in financial straits, so much so that the Colombian cartels that supply the Mexican cartels with their cocaine have basically cut them off. They are not providing any drugs on consignment any longer.

So their backs are against the wall, like they never have been before, and they are lashing out.

That is what is happening in Mexico. Quickly, can they win? Absolutely. You mentioned this earlier, Congressman, that, although there are enormous differences between Mexico and Colombia, there are more commonalities with what is happening between those countries and what has happened in them in the last 10 years than there are differences.

In Colombia, their kidnappings-for-ransom numbers have plummeted over the last 3 or 4 years like never before. Their homicides, their armed robberies, all of their violent-index crimes, have plummeted. They have a law enforcement presence in every community in that country for the first time in Colombia's history, and if you look at where they are at today, it is a glowing success story.

If our brave Mexican counterparts do not lose the will to fight, just like our Colombian counterparts did, they will win. It is going to take some time. Thank you.

[The prepared statement of Mr. Braun follows:]

Statement for the Record

Thursday, March 18, 2009

By

Michael A. Braun

Before the Subcommittee on The Western Hemisphere

House Foreign Affairs Committee

Regarding

"Guns, Drugs and Violence:

The Merida Initiative and the Challenge in Mexico"

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Chairman Engel, Ranking Member Mack, and Distinguished Members of the Subcommittee, thank you for the opportunity to testify today on the important drug related security issues facing both Mexico and the United States. Although drug related violence is not new to Mexico, the level of violence currently experienced by Mexico is unprecedented, and threatens not only Mexico's national security interests, but our Country's as well. The brave security forces in Mexico cannot afford to fail. If they do, Mexico will most likely devolve into a 'narco-state,' and life on both sides of our shared border will undergo dreadful changes, unlike any our nations have ever faced.

Before entering the private sector on November 1 of last year, I served for almost four years as the Assistant Administrator and Chief of Operations with the U.S. Drug Enforcement Administration, and for one year as the Agency's Acting Chief of Intelligence. I also served in a number of DEA offices throughout the United States, including service on both our Southern and Northern borders, on both our East and West Coasts, in the Midwest, as well as two years in various countries in Latin America. It is through my 34 years in law enforcement and as a veteran of the U.S. Marine Corps that I sit before you today, deeply concerned about our Nation's important neighbor—Mexico.

What's Happening on the Ground in Mexico

Drug related violence is nothing new to Mexico, but the intensity and duration of hostility currently ongoing in the country is unmatched by any experienced in the past. Why? Because President Calderon and his Administration had the courage to admit that the Mexican drug cartels had become so powerful that they challenged the authority of the government at all levels, and were becoming more powerful than their own security institutions. The cartels had successfully destabilized democratic governance and eroded political stability, which is exactly what they had worked hard to achieve for many years.

The Calderon Administration was even more courageous when they developed and implemented a long-term strategy to take back Mexico from the traffickers. When this strategy was implemented, the cartels were already feuding amongst themselves for lucrative turf, as they had so many times in the past. When the cartels came under simultaneous attack by the full weight of Mexico's security forces, over 45,000 Mexican military personnel bolstered by the country's federal law enforcement services, they began to lash out like never before. There were over 6,000 drug related murders in Mexico in 2008, and 530 Mexican law enforcement officers were killed in the line of duty, of which 493 were drug-related homicides. To put that into context, 140 police officers were killed in the line of duty in the United States in 2008, of which 41 were killed by gunfire.

The level of brutality exhibited by the Mexican cartels and their assassination teams meets or exceeds that which we've witnessed during some of our worst days in Iraq and Afghanistan. The beheadings last year alone numbered about 200, and some of the victims were police officers.

The head of one police officer was actually impaled on a spike on top of a wall in front of a police station with a note stuffed in the mouth warning the police to show more 'respect' for the traffickers. Traffickers have actually broken into the communications network of law enforcement in the Tijuana area to broadcast the identity of the next round of law enforcement officers to be targeted for assassination, only to find the bullet riddled bodies of those officers on the streets of Tijuana a few hours later.

Which takes us back to the question, "Why?" Roughly 90% of all the cocaine, heroin, methamphetamine and marijuana consumed in our Country enter the United States from Mexico. The money generated by the cartels' global drug trafficking is staggering. The United Nations estimates that the drug trade between Mexico, the U.S. and Canada generates about $147 billion dollars annually, and the Office of National Drug Control Policy (ONDCP) estimates that our fellow citizens here in the U.S. spend about $65 billion dollars annually to satisfy their insatiable appetite for drugs. The United Nations estimates that the entire global drug trade generates about $322 billion dollars annually. The National Drug Intelligence Center estimates that somewhere between $8 - $24 billion dollars in 'bulk currency' alone transits our Country each year destined for the cartels' coffers in Mexico—ultimately smuggled across our Southwest Border. No other illicit global market comes close to those numbers.

Is there any wonder ***why*** the cartels in Mexico have grown so strong, and ***why*** they will continue to fight for the criminal enterprise they have worked so hard to build?

How the Mexican Drug Cartels Became So Strong

During the early 1980s, our government, working with South American, Central American, Mexican and Caribbean partners, successfully dismantled much of the Caribbean drug corridor—the area where most of the cocaine from the Andean Region flowed north into South Florida for eventual distribution throughout the United States. Consequently, the Colombian cartels formed alliances with the Mexican cartels to move their (Colombian) shipments of cocaine, and later heroin, into the United States. It made perfect sense to both the Colombian and Mexican cartels. Mexican traffickers had an existing smuggling infrastructure in place along the Southwest Border (SWB); the Mexican cartels already dominated heroin and marijuana drug trafficking in the Western United States; and the Colombian and Mexican cartels shared a common language.

During the early days of this bona fide marriage made in hell, the Mexican cartels began accepting payment for their services in cash for moving Colombian drugs across the SWB and into the United States, but soon realized they could be making far more money by accepting, and ultimately demanding, payment 'in kind' (payment in drugs rather than cash) for their services. The Colombian cartels were soon paying their Mexican partners with half of the drugs in every cocaine load transiting the SWB. This aspect of the relationship allowed the Mexican cartels to carve out their own lucrative cocaine distribution markets throughout the United States, and later, in Mexico and elsewhere around the globe.

Just as important to the Mexican cartels' meteoric rise and success in dominating the United States illicit drug markets is the fact that they fully exploited the substantial demographic changes involving our Nation's Mexican and Hispanic populations over the past 25 years. As jobs went unfilled in the agricultural, meat packing, textile, construction and restaurant industries all across our country, hard working Mexican immigrants, citizens and non-citizens alike, moved into communities where those job vacancies existed and filled the employment voids. Never missing an opportunity, the cartels quickly infiltrated operatives into those communities where they easily blended in, and quickly took over drug distribution rights from local, traditional trafficking groups. And that scenario was repeated over and over again, all across our country over the past 25 years.

Mexican drug cartels and their U.S. based subordinates are now responsible for cocaine, heroin, methamphetamine and marijuana trafficking in communities in every state across our country, including Alaska and Hawaii. Local and state law enforcement in many areas of our Nation still lack the capacity to deal with the Mexican culture, and lack the expertise to effectively fight sophisticated organized drug trafficking groups. To compound the problem, hundreds of millions of dollars in federal grant funding for local and state law enforcement was slashed over the past few years, leaving Chiefs and Sheriffs crippled as they attempted to deal with this extraordinarily complex law enforcement challenge.

How They Operate

The Mexican cartels' 'corporate' headquarters are set up South of our border, and thanks to corruption, cartel leaders often carry out their work in palatial surroundings. The cartel leaders manage and direct the daily activities of 'command and control cells' that are typically located just across the border in our Country. Those command and control cells manage and direct the daily activities of 'distribution, transportation and money laundering cells' all across our Nation.

The cartels operate just like terrorist organizations, with extremely complex organizational structures, consisting of highly compartmentalized cells: distribution cells, transportation cells, money laundering cells, and in some cases assassination cells or 'hit squads.' Many experts believe Mexican and Colombian drug trafficking organizations are far more sophisticated, operationally and organizationally, then Middle Eastern terrorist organizations. In fact, some experts believe that Middle Eastern terrorist organizations actually copied the drug trafficking cartels' sophisticated organizational model for their advantage. This sophisticated organizational model continues to thwart law enforcement and security services around the globe. Cell members are so compartmentalized that they possess little, if any knowledge of the greater organizations that encircle and support their nodes; therefore, they can share little of value with law enforcement when apprehended.

The Mexican cartels rely heavily on three of their most important tradecraft tools to maintain power: corruption, intimidation and violence—the 'hallmarks of organized crime.' If they can't

corrupt you, they will intimidate you; if that doesn't work, they will turn to brutal violence. Without the hallmarks of organized crime, the cartels simply cannot effectively operate. The Mexican cartels spend hundreds of millions of dollars to corrupt each year, and they have succeeded in corrupting virtually every level of the Mexican government. If anyone believes for one minute that these powerful syndicates are not looking north into the United States to corrupt—they're obviously blind. We are already experiencing a spillover of drug related violence, and it's not just in communities along our SWB. It's also playing out in places like Atlanta, Chicago, Omaha, Seattle, Maui and Anchorage.

We must also understand that the Mexican cartels operate with Fortune 100 corporate efficiencies. They are masters at creating demand, expanding their markets and developing a diverse product line. They have pushed into West Africa, into places like Guinea-Bissau, the quintessential example of ungoverned space, and established a transshipment base for the movement of multi-ton quantities of cocaine into the rapidly developing markets of Europe and Russia. One could cynically say that's not necessarily a bad thing—that more of the poison is now destined for locales outside the United States. However, we are a compassionate and caring Nation, and we would never wish this tragedy on any other country or people. But the reality of the situation is that the profit from the drugs ultimately finds its way back into the coffers of the cartels that are impacting our Country, and makes them even more powerful.

What worries me even more is the fact that Mexican cartel operatives, in places like Guinea-Bissau, are provided with opportunities to rub shoulders with the likes of Al Qaeda, Hezbollah and Hamas operatives, who also thrive in these permissive environments. Do I possess the proverbial 'smoking gun' that unequivocally proves this type of activity is taking place? No, but 34+ years of personal experience in many tough places around the globe tells me that it is happening with regularity. We as a Nation could pay a terrible price for allowing this potpourri of global scum to migrate together and coexist, to share lessons learned and to form strategic alliances. We should be doing all we can to drive a wedge between these powerful threats.

Who's to Blame?

It's easy to blame Mexico. But there is plenty of blame to go around and we certainly share equal responsibility for what is happening in Mexico today.

We have experienced substantial declines in drug abuse in our country over the past few years and that's great news, but let there be no doubt that many of our fellow citizens are fueling the violence in Mexico by continuing to abuse illicit drugs. Our fellow citizens also need to understand that as many as 90% of the weapons used in violent assaults perpetrated by the Mexican cartels are purchased or stolen in the United States and smuggled into Mexico. We need to do more in our Country to curb the appetite for illicit drugs and to identify, investigate and bring to justice those responsible for diverting arms to Mexico.

I have explained how more cocaine from Colombian and Mexican cartels is now destined for emerging European and Russian markets. Consequently, Europe and Russia can also shoulder some of the blame for what is happening in Mexico, Central America and Colombia, and should be doing more to support counter-narcotics efforts. Our Congress may want to explore why the United States is picking up the vast majority of the tab for policing the global drug trade.

The Way Ahead in Mexico

Mexican Attorney General Eduardo Medina-Mora and Secretary of Public Security Genaro Garcia-Luna, courageous men I know, trust and have worked with, have both vowed to rid corruption from the ranks of federal law enforcement, and then go to work on state and local law enforcement agencies. Both are aggressively attempting to hire college educated applicants, and are beginning the vetting process for federal law enforcement by requiring detailed background investigations of their officers, as well as polygraph examinations and random urinalysis. But they need the help of Mexico's legislator's to enact a performance, pay and benefits reform package, which will help build lasting, professional federal law enforcement institutions with robust internal policing capacity. Mexico has also followed Colombia's lead and extradited over 80 major drug traffickers in 2007 and 95 in 2008 to the United States. If there is one thing a global drug lord or terrorist fears the most, it is justice meted out in a federal courthouse in the United States.

Mexico's military forces desperately need the air, land and maritime assets required to rapidly get them and their law enforcement colleagues into the fight, often times in remote and desolate areas of the country. Mexico's military currently possesses the most trusted and professional security institutions in the country, and will continue contributing significantly to the fight until federal law enforcement can assume greater responsibility for the effort.

Although there are enormous differences between Mexico and Colombia, important parallels remain. Colombia was experiencing similar levels of violence just a few years ago when that country implemented a long-term strategy of aggressively attacking its powerful drug cartels, including the Revolutionary Armed Forces of Colombia (FARC), the Auto Defensas of Colombia (AUC), and the ELN, all three designated foreign terrorist organizations by the U.S. and the European Union; a strategy much like Mexico's. In the last three years, Colombia has experienced levels of peace and stability that have not been witnessed for over 50 years. The numbers of kidnappings, homicides, home invasions, bank robberies and armed robberies have all plummeted. There is a law enforcement presence in every community of the country for the first time in Colombia's history. Why? Because our Congress refused to turn its back on a neighbor and supplied aid and funding through Plan Colombia. Colombia has done its part by fighting and wining, and continues to do so after experiencing tremendous loses of innocent citizens, as well as security forces.

Mexican security forces are currently at the tip of the spear in the fight against the powerful drug cartels, and they are in the fight of their lives. We in the United States need to understand that they are fighting and dying to protect not only their citizens, but ours as well. We typically lose over 30,000 of our fellow citizens in drug-related deaths each year, and Mexican security forces are working hard to keep drugs off their streets—and ours. We have spent over $700 billion dollars in Iraq and Afghanistan, and that should serve as a clear indication that the $1.5 billion dollars in Merida Initiative funding that our Country has promised to Mexico and Central America to fight the drug cartels over the next three years falls woefully short. It's a start in the right direction, but we had better be willing to do more, or Mexico could well lose this fight. If we do not provide more and they fail, our meager $1.5 billion dollar investment will cost our Country far, far more. We owe Mexico more—a great deal more.

Mr. ENGEL. Thank you, Mr. Braun.

I am going to call on Mr. Mack to ask his questions. Mr. Mack?

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

I want to explore a little bit more the issues of the guns. I am trying to get a better understanding of some of the numbers that I am hearing, so, hopefully, you can answer some of those.

We keep talking about 90 percent of the arms seized from the cartels come from the United States. Do you have any reliable hard data? We keep looking for the backup of that number. So that would be my first question: If you have that, I would love to see it.

Added onto that question is, do we know how many guns are coming in, let us say, from Venezuela or from other parts of Latin America? The question is whether or not all of these guns can be traced. So if you would like to answer those, then I will have a follow-up.

Ms. RAND. Well, as far as the 90-percent figure, we really have to rely on whatever the Bureau of Alcohol, Tobacco, and Firearms wants to tell us, and they have repeated that 90-percent number many times.

The problem there is that Congress has foreclosed public access for researchers, and even public officials, to the underlying data, the data in ATF's Crime Gun Trace Database, which used to be publicly available. If that were still the case, you could look at it and identify the source of any trace gun, but Congress has cut off access to that database, so we are really at the mercy of ATF to tell us the source of these guns, and they consistently say, and I think you heard the State Department representative say today, again, 90 percent of the guns that are traced have a U.S. source, with the three primary state sources being Arizona, Texas, and California.

With respect to your second question, the Census Bureau collects data on the origin of imports, and I am looking at the data for 2006 and 2007. I do not see anything coming in from Venezuela. That information is available from the Census Bureau. The problem there is that it is only broken down very broadly by weapon type to the point of semi-auto or bolt or rim-fire rifle, so we do not have the make/model information there that would be extremely instructive on finding out how many of these AK variants, for example, are coming from different countries.

So the data exists; we just cannot access it. So part of the answer there is repealing the so-called TR restrictions on the release of the trace data.

Mr. MACK. So it would be fair to say, then, that we ought to be careful about the numbers that we choose to talk about in these weapons in Mexico because it does not sound like we have a clear understanding of exactly what percentage of guns come from the United States compared to where they might come from other countries.

Ms. RAND. Well, we can only rely on the idea that the Bureau of Alcohol, Tobacco, Firearms, and Explosives is providing all of us with accurate data.

Mr. MACK. You sound skeptical.

Ms. RAND. I would like to see the data myself. I think we would have a much better, fuller understanding of the problem, but I think that ATF is being accurate when they are saying it generally is coming from the U.S.

Mr. MACK. Well, generally coming from the U.S. and 90 percent—those are——

Ms. RAND. I think the 90 percent of trace guns.

Mr. MACK. Of trace guns, but that does not give you an exact picture of the problem.

I think, before we start talking about changing our laws here in the United States, and I think the chairman agrees, is that what we should be doing is enforcing the ones that we have on the books and then giving the tools to Mexico and our partnership to continue this fight because I am hopeful that, as we see Plan Colombia has been successful, that we can also see success in Mexico, and it is vital for Mexico, and it is vital for us in the United States.

So I am with you. We need to have more information about these numbers.

Ms. RAND. I am with you, Congressman, that we need to enforce existing law, and existing law is a ban on the import of assault rifles, and that needs to be better enforced, and then fewer of these guns would be coming from the U.S.

Mr. MACK. The other issue that we have to deal with is, what do we do to fully implement, fully fund, the Merida Initiative and empower the cooperation between the United States and Mexico to continue to keep the pressure on, as Mr. Braun said, that we can win this?

What kind of help are we getting from some of our Latin America friends and allies in this effort in Mexico, and, as important, which countries are either staying on the sidelines or working against us in Mexico?

I know you mentioned SOUTHCOM, you mentioned my good State of Florida, where the concern is, are drugs moving south and then through the Caribbean and eventually into Florida and other access points? Mr. Braun, if you could touch on those.

Mr. BRAUN. Well, there is a great deal of cooperation, Congressman Mack, between several countries in Latin America supporting both Mexico and U.S. efforts to stem what is going on.

I can tell you that, over the past 3 years, the DEA and our Mexican counterparts, Eduardo Medina Mora, the attorney general, and, in Colombia, Juan Manuel Santos, who is the minister of defense, but, in Colombia, the national police and the military all fall under his domain or authority.

But for the last, somewhere between 3 to 4 years now, twice a year, DEA meets with Eduardo Medina Mora and his team and also, in some instances, Genaro Garcia Luna and members of his team from the SSP, but also Juan Manuel Santos and the head of the Colombian National Police, and we develop joint strategies to attack the flow of drugs, to focus on the money, and really to identify, investigate, and bring to justice the most notorious traffickers that are working in that area, really, much of Jim Saveredes's area.

We have actually called this a tripartite agreement, and these tripartite meetings, again, take place a couple of times a year, and it has been enormously successful.

Look, the Colombians know a lot, and they have a lot of lessons learned that they can and do share with Mexico.

So that is kind of a long-winded answer to a relatively simple question, but I believe Colombia, quite frankly, has become both Mexico's and the United States's probably strongest ally in that part of the world in helping Mexico get a handle on their situation right now.

Mr. MACK. What are you seeing, or what did you see, and what can you tell us, about drug trafficking through Venezuela, either its airspace or otherwise?

Mr. BRAUN. Well, as David Johnson mentioned earlier, GEADSOUTH and SOUTHCOM routinely monitor flights that are leaving the coast of Venezuela, flying ton and multi-ton loads of cocaine into Hispaniola, where it is either dropped to the water or dropped to land, air dropped to land, and, occasionally, flights actually land where the drugs are offloaded, and the planes turn around and fly back.

If you saw the PowerPoint slide that clearly depicted that activity, you would be absolutely shocked. Each one of those flights represents a red line, and all that you see is a mass of red.

Many of these drugs are moving up into the Caribbean. There are some concerns that I have got that I cannot speak about openly that I would be happy to talk to you about, or I can make sure the DEA fills you in, as well as SOUTHCOM. But more and more of these drugs are also headed to West Africa onward into Europe, Russia, and elsewhere.

Mr. MACK. And these drugs that are going through, the origin of them; is it mostly from Colombia? Is any of it coming from Mexico?

Mr. BRAUN. Some of the drugs that are making their way into West Africa and onward into Europe and Russia and elsewhere are coming from Mexico, but the vast majority of the drugs that I am talking about that are making their way into Hispaniola then north into the Caribbean or east into Africa, they are ultimately coming from Colombia and the Andean region. That is where all of the cocaine in the world is produced.

But suffice it to say that it is making its way into Venezuela. Venezuela is alerted every time one of these aircraft leaves and returns, and, obviously, there is not much going on. They are not reacting.

Mr. MACK. So as we are attacking, as you mentioned, either the underbelly, or the soft side, of the cartel in their transportation, they are looking for other avenues.

Mr. BRAUN. That is correct.

Mr. MACK. Thank you very much. I thank all of you for being here.

Mr. ENGEL. Thank you. Let me ask Ms. Rand, as you noted in your testimony, in recent years, the Bureau of Alcohol, Tobacco, Firearms, and Explosives has quietly abandoned enforcement of the ban on imported assault weapons. I mentioned that in my testimony. I have been talking about that for the past several months.

As a result, the U.S. civilian firearms market is flooded with imported and expensive military-style assault weapons, which are often trafficked from the United States into Mexico.

As we heard before, importers have been able to skirt restrictions by bringing in assault weapons parts and reassembling them with small numbers of U.S.-made parts.

So my question to you is, roughly, what percentage of assault weapons that are recovered in Mexico had been brought into the United States as assault weapons parts and reassembled with a small number of U.S.-made parts? In other words, how much of a problem is the reassembly-of-parts issue?

Ms. RAND. Well, it is hard to know exactly what percentage of guns are coming in whole and how many are being assembled and are brought in as parts.

One piece of information we have is that there were more than 90,000 semi-auto rifles brought in from Romania in 2006 and 2007. Those would be brought in as whole guns. I would say most of those are AK variants.

But we also know, from looking at gun industry marketing and advertising, that many of the manufacturers explain how they just add a few parts to skirt the import ban.

So I think, at this point, all we can do is make a best guess, but we know the parts problem is a huge part of the problem, and I would say that the majority of the guns are coming in as parts, and some of them are coming in whole, so I would guess, 60 parts/40 whole. That would be my best guesstimate.

Mr. ENGEL. What do you think, specifically, the Obama administration can do to ensure that importers do not continue to skirt current restrictions? What do you think?

Ms. RAND. Well, I mean, really, all the Obama administration needs to do is announce that it is now their policy that no more assault rifles will be imported into the U.S., whether in parts or as whole guns. They have that authority under the 1968 Gun Control Act, the so-called sporting purposes test, and a separate provision of Federal law which prohibits the assembly of prohibited guns from parts.

So all they basically have to do is announce that that shall be their policy, and they can suspend whatever import process is underway, that that is what the George H.W. Bush administration did. So it is really completely within their administrative authority. It has been done twice before the Clinton administration did it, so it is really just a function of taking that policy position.

Mr. ENGEL. So that would be exactly what I requested in my letter to President Obama, along with 52 or so of my colleagues. That would be exactly what we requested, is what you would suggest should be implemented.

Ms. RAND. Yes. In addition to that, I think they just need to make it clear that the goal is there shall be no imported assault rifles in the country, whether they come in as parts or as whole guns, but exactly what you have requested is what would need to happen.

Mr. ENGEL. Thank you. Let me ask Dr. Selee—I am mispronouncing your name—I was just corrected, so I do apologize—and Mr. Braun. Texas Governor Rick Perry, last week, requested 1,000

U.S. troops or border agents to be deployed to the United States-Mexican border to deal with the escalating violence.

Do you agree with that? Would it be appropriate to send the U.S. military or additional border agents to the United States-Mexico border to deal with the escalating violence? Do you agree with what Governor Perry has said?

Mr. SELEE. I certainly understand his concern, as a governor. I think, you know, taking a national look at this, in the national interest, I think that would probably be counterproductive, at this time.

Right now, the best tool we have to get a handle on what is going on, in terms of violence, is the intensified cooperation between the United States and Mexico, and we have seen a real coming together between the two governments in a way we have never seen before, working together on the law enforcement side, on the institution-building side, on the money trail, on the arms trail.

This is something that clearly is a work in progress, as we heard from the earlier panel, but it is a work in progress that is proceeding very well and in a way that I think we could not have imagined 10 years ago. Were there to be what would be perceived in Mexico as a militarization of the border, it might be, obviously, National Guard supporting civilian authorities, but what we perceived in Mexico was a militarization of the border. I think that would be counterproductive to that cooperation and would probably hurt our ability to go after organized crime in an effective way.

Mr. ENGEL. Thank you. Mr. Braun, do you agree with that?

Mr. BRAUN. Mr. Chairman, look, I believe that there is a role for our military, and certainly a role for our National Guard, but I would not recommend or suggest that they be deployed in large numbers along our border in uniform.

We talked about this last week in another hearing. The National Guard has supported DEA and other Federal law enforcement agencies along the border and elsewhere in the United States for several years with additional intelligence analysts and analytical support and that kind of thing. There is a presence at the El Paso Intelligence Center from our military and our National Guard support role.

If you will remember the incident—gosh, I guess it was probably 10 years ago now—where a young Marine that was assigned to an observation post outside of El Paso confronted a sheep herder, a young kid, who happened to be carrying a .22 rifle, and he pointed it in the wrong direction, and that young Marine shot and killed this kid. You know, the echo and reverberation from that incident, you know, could be heard around the globe for several weeks thereafter. I mean, it was in the papers, et cetera.

The bottom line is, is, look, longstanding doctrine in our military is to identify, seek out, and destroy, the enemy by overwhelming firepower, and law enforcement's job is to identify, investigate, and bring to justice the bad guys.

The two do not mix real well, and putting our military in a mission that they just absolutely are not trained and equipped to do, I believe we are asking for trouble.

Mr. ENGEL. Thank you very much. I have one final question, and, again, it is on Merida because that so permeates everything

we do. So let me throw out a bunch of Merida questions. Anybody who wants to comment on any part of them may do so.

Congress Daily reported yesterday that, in addition to already approved funding for the Merida Initiative, in future Fiscal Year 2010 Merida funding, the administration is considering additional funding as part of an upcoming emergency supplemental spending bill. Do you think that is a good idea? Do you believe that additional Merida funding is needed immediately, or is there time to spare? What, in your opinion, would be the advantage of additional Merida funding through an emergency supplemental spending bill? What would be your advice to the Obama administration as they prepare their Fiscal Year 2010 spending proposal for the Merida Initiative and possible emergency supplemental spending plans?

Finally, funding for the first phase of the Merida Initiative was approved by Congress, as you know, in July 2008. However, it has been very slow in reaching Mexico, with a letter of agreement between the United States and Mexico just being signed in November.

To what degree is this slow pace of the Merida Initiative in sync with an effective response to the spiraling violence in Mexico, and what are the prospects for delivering the equipment and training at a faster pace?

That is a bunch of questions. If any of you care to comment to any of them, I would be grateful.

Mr. BRAUN. Chairman, if I could just start by saying I believe the $1.4–1.6 billion in Merida funding over 3 years is a start in the right direction, but I, for one, believe it is going to take a great deal more.

What Mexico, I believe, needs more than anything else is the development of professional and enduring law enforcement institutions and an entire vetted judicial paradigm, if you will. You can have the best-trained and vetted officers, but if you do not have vetted and well-trained prosecutors and judges and prison officials, then the entire judicial process falls apart like a house of cards.

So that is what we are looking at in Mexico. We are not talking about an Iraq or an Afghanistan situation where, you know, you have got entire police forces. I spent 4 months in Iraq, for God's sake, helping to do the original assessment of the Iraqi National Police Force in 2003. We are not talking about a situation like that where you have got 85,000 cops that have just left and took everything with them.

We do not have to start from the very beginning, but what we do have to do is, I believe strongly, is to provide far more money and support to our Mexican counterparts to build a very professional, enduring judicial system and process, which obviously includes the cops.

What the magic figure is, I do not know, but I can tell you right now, based on past experience over 34 years, $1.4 billion or $1.6 billion falls way short.

If I could make one last comment, sir, before I end, because this will probably be it for me and my opportunity to speak.

Our country needs to understand that our Mexican counterpart, President Calderon, lost 530 cops last year, 493 to drug-related violence. That does not count the military personnel. Okay?

Some of those cops and military personnel were killed because they had succumbed to corruption, but the vast majority of them are good cops who are doing the right thing, and they are not just dying for their people; they are dying for ours as well, and it is very important that they be recognized. I hope that both of you, as leaders in Congress, can find some way to do that. Thank you.

Mr. ENGEL. Thank you very much. Dr. Selee?

Mr. SELEE. Mr. Chairman, I should actually preface this by saying that the Wilson Center takes no position on legislation whatsoever, so whatever I say is a personal analysis.

I think it would certainly be very healthy to look at additional funding. Clearly, as Mr. Braun has said, this is an issue that is in our own national interest. We should not be downsizing what we had originally planned to do on something that is this important. So if there is a possibility to come back and look at the emergency supplemental, I think this is one of the issues that we should consider very seriously.

As Mr. Braun points out, I think we need to look, long term, on the balance between institution building and hardware. I cannot break out what a balance should be, but I think we need to think about what is sort of needed now, in terms of some of the hardware, to deal with the cartels, which, I think, is a real need, the helicopters and the planes, but also what is needed in terms of building judicial institutions—training, the exchange programs, strengthening the protections for journalists—a series of things that would really strengthen the rule of law in Mexico in the long term.

My sense is that is where the long-term struggle is. Also police institutions: Giving both the technology but also the training and the accountability, the development of internal controls for police in Mexico, which is critical, and I think those would be critical areas to focus on in the long term, and it is probably where we want to head with the Merida Initiative and probably where the Mexican Government will want to head as well.

Let me make one final comment. I think, actually, starting now, and especially as this continues to be debated, I think there is an opportunity here for the Obama administration to have a very energetic, interagency process, probably run out of the NSC perhaps. They can figure out how they do this.

But I think you need to generate a very robust interagency process where you bring together all of the different actors that are involved in dealing with organized crime, and that means the State Department, which is the lead on Merida, but it also means getting together Homeland Security, the Justice Department, the Defense Department, a series of other agencies out there and the component parts of these departments, who all have pieces of the puzzle, ONDCP clearly.

We need to be looking both at what we do, in terms of the assistance package, but also what we are doing in terms of demand reduction, what we are doing on the arms question, what we are doing on the money side of this. The more we can create a comprehensive strategy on this side of the border, working in tandem with our Mexican counterparts, I think it is going to be a much

stronger process. Merida, to a large extent, I think, is the opportunity to do that.

Mr. ENGEL. Thank you very much. If there are no further comments, then let me thank you. Let me thank you for testifying and excellent testimony. I know we will be working with all of these issues in the coming days, weeks, and years. I think that there are lots of things, and I think that we have much more agreement on what to do than we have disagreement.

One of the things I know, from all of the testimony, both from the other panel, from your panel, from what Mr. Mack has said, from what I have said, I think we can all agree that Mexican President Calderon is doing an excellent job in combating drug violence and that the United States should do whatever we can to help him in his very courageous fight.

I want to just say that when we went to visit him 2 weeks ago, our bipartisan delegation, and we were truly bipartisan—we were four Democrats and three Republicans—we all told him that. We spoke with one voice, and we told him that he was very courageous, and, in fact, the violence that we have seen, and that, unfortunately, is continuing, to a very large degree, is a result of his cracking down, or attempting to crack down, on the drug cartel. It is as if the drug cartel is saying to him, "We will show you who runs this country. You think you are going to crack down on us. Well, we will show you."

So I think that it is imperative for all of us to support President Calderon in what he is doing, and I think we all agree, again, that he is doing a very excellent job for his country, and we all, all seven of us, told him that, and I think that shows from the testimony today as well.

So I thank you very much for your testimony. I thank Mr. Mack for his patience, and the subcommittee is now adjourned.

[Whereupon, at 6:05 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON THE WESTERN HEMISPHERE
Eliot L. Engel (D-NY), Chairman

March 16, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend the following OPEN hearing of the Subcommittee on the Western Hemisphere to be held in Room 2172 of the Rayburn House Office Building:

DATE: Wednesday, March 18, 2009

TIME: 2:00 p.m.

SUBJECT: Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico

WITNESSES: **Panel I**

The Honorable David Johnson
Assistant Secretary of State
Bureau of International Narcotics and Law Enforcement Affairs
U.S. Department of State

Ms. Roberta S. Jacobson
Deputy Assistant Secretary of State
Bureau of Western Hemisphere Affairs
U.S. Department of State

Panel II

Ms. M. Kristen Rand
Legislative Director
Violence Policy Center

Andrew Selee, Ph.D.
Director
Mexico Institute
Woodrow Wilson International Center for Scholars

Mr. Michael A. Braun
Managing Partner
Spectre Group International, LLC

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee as noted above.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Western Hemisphere* MEETING

Day *Wednesday* Date *03/18/09* Room *2172*

Starting Time *2:13 pm* Ending Time *6:05 pm*

Recesses *1* (*3:14* to *4:47*)

Presiding Member(s) *Eliot L. Engel*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

"Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico"

SUBCOMMITTEE MEMBERS PRESENT:

Eliot L. Engel, Connie Mack, Michael McCaul, Albio Sires, Christopher Smith, Gene Green, Dan Burton, Gabrielle Giffords, Gus M. Bilirakis

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*

*William D. Delahunt, Dana Rohrabacher, Henry Cuellar**

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Mack Submission: Statement by Chris Cox, Executive Director of NRA Institute for Legislative Action
Burton Submission: Material from the Menges Hemispheric Security Project Center, Center for Security Policy

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *6:05 pm*

Subcommittee Staff Director

"Guns, Drugs, and Violence: The Merida Initiative and the Challenge in Mexico"

Testimony of Chris W. Cox

Executive Director, NRA Institute for Legislative Action

United States House of Representatives

Committee on Foreign Affairs

Subcommittee on the Western Hemisphere

March 18, 2009

Chairman Engel, Ranking Member Mack, and Members of the Subcommittee:

Thank you for the opportunity to provide testimony on behalf of the National Rifle Association on this crucial issue. The increasing level of violence in Mexico is a serious concern. The NRA is equally concerned that instead of pursuing effective solutions to target drug cartel violence, there is a renewed effort to make American gun owners the scapegoats for this problem.

When President Obama's chief of staff, Rahm Emanuel, said, "You never want a serious crisis to go to waste," he may have been talking about the economy, but many in the anti-gun movement heard him loud and clear. They are now using the explosion of violent crime committed by drug cartels in Mexico as an excuse to call for a number of new anti-gun laws in the United States.

Several of the solutions being promoted are part of an ongoing anti-gun agenda, which will not stop the violence in Mexico. The crisis in Mexico is being used as yet another pretext to restrict the Second Amendment rights of law-abiding Americans.

Attorney General Eric Holder was the first Obama administration official to make the connection publicly, in a February 26 news conference announcing a wave of drug-related arrests by federal agents. "There are just a few gun-related changes that we would like to make, and among them would be to reinstitute the ban on the sale of assault weapons," said Holder.

Other officials and activists have used Mexico's crisis as a pretext for pushing gun show restrictions, bans on .50 caliber rifles, bans on common ammunition they portray as "armor piercing," and more. Attorney General Holder's Mexican counterpart, Attorney General Eduardo Medina Mora, went so far as to say on "60 Minutes" that "The Second Amendment was never designed to arm criminal groups, and especially not foreign criminal groups as it is today."

The message here is clear: According to some, the violence in Mexico is not the fault of the drug cartels or their American customers, nor is it the fault of decades of Mexican government corruption. In their view, the fault lies with American gun owners.

The $40 billion dollar drug trade has allowed the cartels to turn what had been widespread petty corruption in Mexico into a large-scale seizure of power. The effects have been so far-reaching that the U.S. military is actively planning for the possibility of a Mexican government collapse.

Mexican President Felipe Calderon has made fighting the cartels a top priority, a courageous move considering the power and money the cartels already control.

In some areas of Mexico, the cartels now have more power than the local governments. They have infiltrated local police departments and corrupted local officials. Some of the cartels are so brazen that they've put up billboards soliciting police officers and military personnel to switch sides. With promises of better pay and guarantees of food for their families, thousands have accepted these offers.

When Mexican police and soldiers resist corruption, the ruthlessness of the cartels sometimes overwhelms them. In February, the cartels told the police chief of Ciudad Juarez that if he didn't quit, they would kill a police officer every 48 hours. And they carried out the threat, killing five officers in ten days until the chief resigned and left town.

President Calderon, in an effort to counter the growing power of the cartels, has sent military units to fight the narco-terrorists. The result has been increasing levels of violence. The exchanges between the cartels and the government have become more and more like military campaigns. Thousands have died in the past 18 months, including hundreds of police officers, military personnel and civilians. In the United States we have long talked about a "drug war"; in Mexico, they're actually fighting one.

In a crisis like this, there is no shortage of victims. First and foremost are the long-suffering average citizens of Mexico who—like ordinary people anywhere—want nothing more than to work hard and raise their families in peace. The same goes for Americans in the border states, who've lately seen crime spill across the border, with a boom in Mexican-style kidnappings in Phoenix, and other cartel-related crimes in cities from Anchorage to Atlanta.

But on top of dealing with the spillover of crime and the threat of a destabilized nation next door, gun owners also face attacks on our Second Amendment rights from those who would blame American gun owners and American gun laws for the crime in Mexico.

As in any other gun control debate, however, the case made by gun ban advocates is based on the illogical idea that gun laws will stop criminals from committing violent acts.

They advocate a "solution" that has never worked anywhere before. It does not even work in Mexico, which has gun laws that are far more strict than in the U.S. Mexico generally prohibits civilian possession of firearms or ammunition in calibers commonly used by the Mexican military, such as 9mm or larger handguns, and .223 and .30 caliber rifles—all of which are widely used by private citizens in the U.S. and other countries around the world. Unauthorized possession of these arms that Mexico treats as "exclusively reserved for the use of the Army, Navy or Air Force" is punishable by up to fifteen years' imprisonment.

However, these laws are widely ignored. The Geneva-based Small Arms Survey estimates that of the 15 million firearms in Mexico, only about one third are registered (as

required by Mexican law). And news reports on drug cartel violence often note the drug lords' use of grenade launchers and anti-tank rockets—weaponry that isn't available over the counter anywhere in the U.S., but is reportedly often smuggled from Guatemala. Mexico's gun laws do not make Mexico safer. Importing Mexico's gun laws into the United States surely won't either.

For some in the Mexican government, the goal is to shift the blame for Mexico's rampant crime and violence away from its true source. But while that might be politically useful, it will not solve their nation's problems. Even a complete gun ban in the United States would not stop the cartels from arming themselves. It wouldn't even slow them down.

What is the solution, then?

First and foremost, we must secure our border. Giving the Border Patrol and Immigration and Customs Enforcement the resources they need to do the job should be a top priority. NRA has a long and proud relationship with these agencies. In fact, my own office at NRA headquarters is dedicated to the memory of NRA-ILA's first executive director, Harlon B. Carter, who served as chief of the Border Patrol, and later as a regional commissioner for the Immigration and Naturalization Service.

Second, those who smuggle American guns into Mexico are already operating in defiance of American law. "Straw buyers" and others who do the cartels' dirty work in the U.S. should be identified, arrested and prosecuted. U.S. law already prohibits selling guns to non-U.S. residents, to illegal aliens, and even to most legal nonimmigrant aliens. There are heavy penalties for selling guns for use in a violent or drug trafficking crime. Illegally exporting firearms, or even an unsuccessful smuggling conspiracy, can be punished with decades in federal prison.

Third, U.S. and Mexican authorities can, and should, increase cooperative efforts to address these problems. Currently, the Bureau of Alcohol, Tobacco, Firearms and Explosives has an active program called "Project Gunrunner" that targets violators of our existing laws. The program goes after these criminals with intelligence sharing, training of Mexican police, and tracing of firearms in legitimate criminal investigations. Enforcing the existing laws against those who intentionally arm violent drug cartels has the NRA's full support.

Unfortunately in some cases, even as the Mexican government calls for the U.S. to restrict the freedoms of our citizens, it refuses to fully cooperate with American authorities to investigate the source of illicit guns taken from drug traffickers.

In one case reported in the San Antonio *Express-News*, Mexican police seized more than 300 rifles, half a million rounds of ammunition, and shoulder-fired grenade launchers. This was the largest haul of weapons seized at the time—but weeks later, Mexican officials still hadn't given BATFE access to the guns' serial numbers. Without

this kind of information, investigations are slowed or stopped, and the true sources of firearms used in Mexican crime may never be discovered.

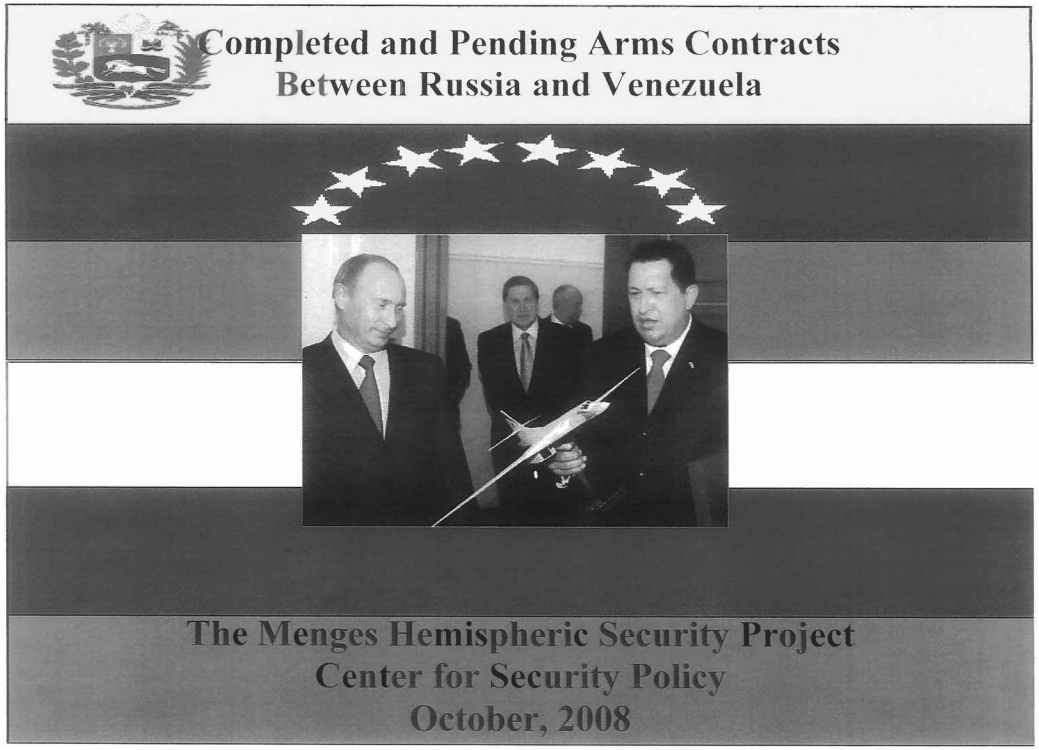
The lack of cooperation includes problems within Mexico's own government. One local police chief complained to the *Express-News* that he was not allowed to coordinate directly with American officials; rather, he had to go through Mexican federal authorities.

There is no doubt that the problems in Mexico are real and need immediate action. But let me be clear: American gun owners and American gun laws are not to blame for the violence in Mexico. Blaming American gun owners will not stop a single murder, or stem the flow of drugs, money or firearms to the cartels.

NRA applauds the Calderon government for its commitment to fighting the drug cartels, and NRA fully supports the efforts of U.S. law enforcement to cooperate with Mexican officials. We hope that more cooperation from Mexican authorities will be forthcoming. NRA also supports enforcing the U.S. laws that are already on the books, to harshly punish anyone who engages in smuggling firearms.

These are all parts of the solution to this problem, but a solution will also require the Mexican government to recognize that the war against the cartels will not be won as long as government corruption is widespread. Nor will it be won by shifting the blame to American gun owners or American gun laws.

NRA will support action targeted at criminals, but will not stand by as the constitutional rights of American citizens are sacrificed in a vain attempt to stop violent international criminal enterprises from illegally arming themselves. Nor will NRA go along with gun bans, sales restrictions or gun registration schemes to appease anti-gun politicians, foreign or domestic. Mexico's ongoing drug war needs real solutions, not scapegoats.


Completed and Pending Arms Contracts
Between Russia and Venezuela
The Menges Hemispheric Security Project
Center for Security Policy
October, 2008

Weapons Specifications (Recent)							
PLATFORM (Aerial)	MODEL (CLASS)	DESCRIPTION	PAYLOAD	RANGE	POTENTIAL TARGETS	ACQUISITION INFO	STATUS
Helicopters	Mi-17V5/Mi-8	**Multi-purpose/attack.** Medium transport helicopter capable of transporting troops and equipment or conducting ground attack missions. In the ground attack role it can be armed with rocket launchers, guided anti-tank missiles, air to air missiles, as well as 7.62mm cannons.	4,000 kg for both civil and military operations.	450-500 km	Colombian priority targets, American counter-drug radar sites, Aruba FOL	20 helicopters ordered (2005-2006 contract)	11 helicopters delivered
	Mi-35M	**Multi-purpose/attack.** Variant of the notorious M-24 attack helicopter. Specializes in night attack missions and can be outfitted with sophisticated anti-tank missiles, air to air missiles, rockets, and a nose cannon.	2,500 kg	620 km	Colombian priority targets, American counter-drug radar sites, Aruba FOL	10 helicopters ordered (2005-2006 contract)	10 helicopters delivered
	MI-26	**Heavy cargo transport**. Can be used for troop transport/medivac or construction projects ranging from bridges to power transmission lines. Economically efficient.	20,000 kg	475-800 km	Narcotics transport, paramilitary re-supply and troop transport to ungoverned regions in TBA	3 helicopters ordered (2005-2006 contract)	1 helicopter delivered
Jets	Su-30MK	**Multi-role two-seater fighter.** Comparable to the American F-15E. The aircraft has 12 hardpoints for external munitions and can carry one or two mission pods such as a laser designator or an anti-radiation missile guidance system.	8,000kg	3,000km (Standoff launch range of 120 km)	Colombian priority targets, American counter-drug radar sites, Aruba, Manta, Comalapa FOLs. Guantanamo Bay, Soto Cano	24 aircraft ordered (July 2006 contract)	All 24 aircraft delivered

Figure 1: Mi-17V5 Helicopters deployed in Chechnya[1]

Figure 2: Mi-35 Attack Helicopter[2]

Figure 3: Mi-26 "Halo" Transport Helicopter[3]

Figure 4: Su-30MK Engaging Ground Targets[4]

Weapons Specifications (Venezuela)							
PLATFORM (Naval)	MODEL (CLASS)	DESCRIPTION	PAYLOAD	RANGE	POTENTIAL TARGETS	ACQUISITION INFO	STATUS
Subs	Varshavyanka-Class 636 "Kilo"	Six 533 mm Horizontal Launch Tubes (Klub-S Missile System)	18 torpedoes/missiles	400-6,000 mi (submerged v. snorkling)	Colombian priority targets, American counter-drug radar sites, Aruba, Manta, Comalapa FOLs. Guantanamo Bay, Soto Cano	5 subs ordered (2007 contract) with a purchase of 4 additional subs pending	DELIVERY PENDING
		3M-54E Anti-ship Missile. Cruise missile consisting of a launch stage, a winged low-flying subsonic cruise stage, and a terminal low-flying supersonic payload stage with a range of 20km.[5]	200 kg warhead	220 km			
		3M-54EI Anti-ship Missile. Variant that does not have the third supersonic stage, but it has a longer range and a heavier payload.	400 kg warhead	300 km	Designed to permeate current western defenses		
		3M-14E Land Attack Cruise Missile. The 3M14E is designed to engage fixed ground targets and consists of a launch stage and a winged low-flying subsonic cruise stage.	400 kg warhead	275 km			
		91RE1 Antisubmarine Torpedoes. The 91RE1/2 is a ballistic anti-submarine missile whose payload is an underwater rocket-propelled homing torpedo.	76kg warhead	50 km			
	Self-propelled Semi-Submersible (SPSS)	**SPSS**- Vessels have a low profile. The hulls only rise about a foot above the waterline -- they are hard to see from a distance and produce a small radar signature. The SPSS, once perceived as an impractical and risky smuggling tool, has proven successful as an innovative and highly mobile, asymmetrical method of conveyance. U.S. Southern Command, the U.S. Coast Guard and regional officials consider SPSS a serious threat to U.S. and regional security.	4 persons, 4 to 12 metric tons of cocaine	Approx 2,000 miles	Dependant on Launch Site: Guantanamo Bay, Florida Coast	Origin Unknown. Prevalent in Colombian trafficking system. Chavez' suspected ties to illicit trade and terrorist organizations make procurement unpredictable and unverifiable.	SPSS account for nearly 33% of all cocaine movement in the transit area. The use of SPSS vessels has grown in recent years as a means to counteract U.S. drug interdiction efforts. Since 2006, there have been multiple known SPSS sightings and seizures. Drug traffickers continue to adapt to law enforcement successes.

Figure 5: Kilo-Class 877 Submarine At Sea[5]

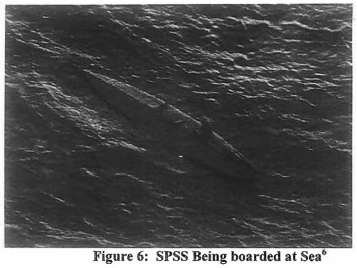


Figure 6: SPSS Being boarded at Sea[6]

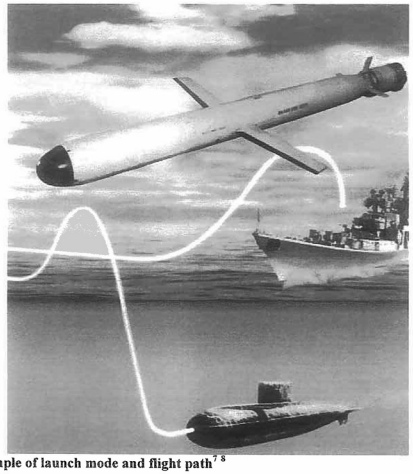


Figure 7 & 8: A Klub-S Missile and example of launch mode and flight path[7 8]

Weapons Specifications (Venezuela)

PLATFORM (Ground)	MODEL (CLASS)	DESCRIPTION	PAYLOAD	RANGE	POTENTIAL TARGETS	ACQUISITION INFO	STATUS
Armor	T-72 Tank	"If Satan produced a tank, it would be the T-72." The 125mm barrel allows for greater range and armor piercing capability. Effectively outguns contemporary western tank design. Models have already been shipped to Syria, Iran, and Cuba.	Outfitted with a 125mm automatic loading cannon (45 rnds), a 7.62mm machine gun and a 12.7mm air defence machine gun.	100m-4,000m	Infantry support along border regions. Armor was deployed in the recent border crisis in March	Unspecified sources confirmed Russian promises to sell "significant" to "large" numbers as of Oct. 15	TBA
	BMP-3	Infantry Combat Vehicle designed to support troop movements with highly mobile armored capability. Can also conduct extensive amphibious operations for up to 7 hours at a time.	Outfitted with a 100mm 2A70 semi-automatic rifled gun/missile launcher, which is stabilised on two axes and can fire either HE-FRAG rounds or anti-tank guided missiles. Can engage tanks with Explosive Reactive Armour (ERA) as well as helicopters.	4,000m	Infantry support along border regions. Armor was deployed in the recent border crisis in March	Unspecified sources confirmed Russian promises to sell "significant" to "large" numbers as of Oct. 15	TBA
Missiles	Tactical Ballistic Missiles	**SS-21 SCARAB (9K79 Tochka).** Single-stage, short-range, tactical-ballistic missile is transported and fired from a wheeled transporter launcher. Supported by a tactical transloader and a missile transport trailer towed by a truck. The crew compartment is in the forward section and the missile compartment behind. During transport the missile is enclosed with the warhead in a temperature-controlled casing.	9N123F HE-Frag (high explosive) 120 kg warhead. Can also carry the AA60 tactical nuclear warhead	70-120 km	Colombian priority targets, Aruba FOL	PENDING	TBA
	Anti-Air Defense	**Tor-M1 Missile Defense System.** A low-to-medium altitude SAM system capable of engaging aircraft, helicopters, and various types of guided missiles. Completely autonomous and capable of automatically tracking and destroying multiple targets	HE-Frag warhead	Detection: 20 km; Kill: 12,000m with 20,000 ft ceiling	Probable deployment in ungoverned regions to establish Venezuelan FOLs	PENDING	TBA

Figure 9: BMP-3[9]

Figure 10: T-72 MBT[10]

Figure 11: Tor-1 Mobile Air Defense System[12]

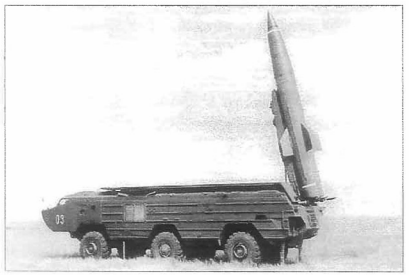


Figure 12: Tochka (Scarab-1) Ballistic Missile Launcher[11]

Image Sources

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