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U.S.-CARIBBEAN BORDER: OPEN ROAD FOR DRUG TRAFFICKERS AND TERRORISTS

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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U.S.-CARIBBEAN BORDER: OPEN ROAD FOR DRUG TRAFFICKERS AND TERRORISTS

Thursday, June 21, 2012

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 9:11 a.m., in Room 311, Cannon House Office Building, Hon. Michael T. McCaul [Chairman of the subcommittee] presiding.

Present: Representatives McCaul, Bilirakis, Long, Marino, Keating, Davis, and Thompson (ex officio).

Also present: Delegate Christensen and Resident Commissioner Pierluisi.

Mr. MCCAUL. The committee will come to order. The purpose of this hearing is to examine the vulnerability of the U.S.-Caribbean Border.

Before I begin my opening statement, I see the Resident Commissioner of Puerto Rico, Mr. Pedro Pierluisi, is here, and my colleague on the Ethics Committee as well, and Ms. Donna Christensen from the United States Virgin Islands is here as well. I ask for unanimous consent that they be allowed to sit on the dais for this hearing today.

Hearing no objection, so ordered.

I now recognize myself for an opening statement. Right now somewhere on the streets of New York, Miami, or maybe a few blocks away from where we sit in Washington, drug dealers are selling cocaine, heroin, or marijuana. These drugs entered the United States through a wide-open back door. They didn't see it come across the U.S.-Mexico or Northern Border. Mr. Rodney Benson, intelligence chief for the Drug Enforcement Agency, said that larger and larger loads of both cocaine and heroin were transiting, now staying in Puerto Rico. Once these drugs are in Puerto Rico they can cross into our borders into the mainland.

This Caribbean region is America's third border, an open door for drug traffickers and terrorists. Because Puerto Rico is a U.S. territory, illegal contraband that makes it to the island is unlikely to be subjected to further U.S. Customs inspections en route to the continental United States, meaning it is easily mailed or placed on commercial aircraft without inspection.

In fiscal year 2011, 165,000 metric tons of illegal drugs were seized in the Caribbean, Bahamas, and Gulf of Mexico, up some 36 percent over 4 years. Up to 80 percent of the cocaine trafficked

through Puerto Rico is directed to U.S. East Coast cities. The maritime smuggling routes widely used by international drug-trafficking organizations in the 1980s, the Miami Vice era, are utilized more and more today. These routes are a threat to America's National security.

The Caribbean region is also susceptible to smuggling nuclear, radiological, chemical, and biological materials, and it could be used as a staging area for violence against the United States.

In 1982, President Ronald Reagan said Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations. President Reagan added that Puerto Rico's strong tradition of democracy provides leadership and stability for the Caribbean.

These statements also apply to the U.S. Virgin Islands. Today, that stability and the millions of American citizens in the region are under siege. We have some maps to demonstrate the region that I am referring to. Puerto Rico and the U.S. Virgin Islands' close proximity to the continental United States and their lack of effective security infrastructures make them an appealing gateway for drug cartels.

The Caribbean region is also experiencing an escalation in trafficking in persons and firearms, as well as money laundering. As these networks and drug routes evolve, so do the potential links to terrorism and transnational crime. On average, 1 person is murdered on the island every 7.5 hours, and at least half of those murders involve drug-trafficking organizations. Last year, there were 30 homicides for every 100,000 Puerto Ricans. This rate is far higher than any State in the mainland.

Drug shipments from locations, including Haiti, Colombia, Venezuela, and the Dominican Republic, are transported to the islands on-board these fast boats and submersibles. Cargo is then dropped at obscure port locations or just simply unloaded in the water and flagged for later pickup. These locations are so remote that it can take Federal law enforcement officers hours to reach them.

The Caribbean region drug-trafficking organizations have proved flexible, adaptable, and can change routes quickly. The U.S. Postal Inspection Service seized hundreds of weapons hidden in packages postmarked for Puerto Rico, including assault rifles, AK–47s, AR–15s, armor-penetrating cop-killer bullets. On June 6, 2012, the Drug Enforcement Agency arrested 36 people in a drug-trafficking ring that used Puerto Rico's international airport in San Juan to smuggle large quantities of cocaine off the island aboard U.S.-bound passenger flights. From San Juan, drugs were then flown to Miami, Orlando, and Newark. The drug ring had operated for 10 years inside the San Juan airport.

The Caribbean region has also had an active black market selling fraudulent documents. According to the Department of State, 40 percent of identity fraud in the United States involved birth certificates from Puerto Rico. In January, 50 people were charged with conspiring to sell the identities of hundreds of Puerto Ricans to illegal immigrants on the American mainland. This was the largest single fraud case uncovered by Immigration and Customs Enforce-

ment. Hundreds of birth certificates, Social Security numbers, and driver's licenses were sold for up to $2,500 a set.

James Clapper, the Director of National Intelligence, recently testified that terrorists and insurgents will increasingly turn to crime and criminal networks for funding and logistics. Criminal connections and activities of Hezbollah and al-Qaeda and the Islamic Maghreb illustrate this trend. These criminal networks in the region could potentially be exploited by terrorists seeking to do us harm inside our borders.

This type of exploitation was evidenced in the thwarted plot to kill the Saudi ambassador in Washington. The Iranian Qods Force attempted to solicit a Mexican drug cartel member to carry out this assassination plot.

With slide 5, we see, look at the connection between President Ahmadinejad and Chavez in Venezuela. Iran and the Bolivian states, Venezuela, Bolivia, Ecuador, and Nicaragua are major drug producers. They bring a new set of threats to the Western Hemisphere as they work together with transnational organized crime enterprises and terrorist groups. These threats include the potential for weapons of mass destruction-related trafficking.

The American flag has flown over Puerto Rico for more than a century. The people of the U.S. Virgin Islands have been American citizens for a long time. These islands are American soil, and our fellow American citizens need our support now. With that, the Chairman now recognizes the Ranking Member.

[The statement of Mr. McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

JUNE 21, 2012

Right now, somewhere on the streets of New York, Miami, or maybe a few blocks away from where we sit in Washington, drug dealers are selling cocaine, heroin, or marijuana. These drugs entered the United States through a wide-open back door.

They didn't come across the U.S.-Mexico or Northern Border. Mr. Rodney Benson, Intelligence Chief for the Drug Enforcement Agency, said that larger and larger loads of both cocaine and heroin were transiting, and now staying, in Puerto Rico. Once these drugs are in Puerto Rico, they have crossed our borders.

This Caribbean region is America's "Third Border;" an open door for drug traffickers and terrorists.

Because Puerto Rico is a U.S. Territory, illegal contraband that makes it to the island is unlikely to be subjected to further U.S. Customs inspections en route to the continental United States, meaning it is easily mailed or placed on commercial aircraft without suspicion.

In fiscal year 2011, 165,000 metric tons of illegal drugs were seized in the Caribbean, Bahamas, and Gulf of Mexico, up 36% over 4 years. Up to 80% of cocaine trafficked through Puerto Rico is directed to U.S. East Coast cities.

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These routes are a threat to America's National security. The Caribbean region is also susceptible to smuggling nuclear, radiological, chemical, and biological materials, and it could easily be used as staging areas for violence against the United States.

In 1982, President Ronald Reagan said, "Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations." President Reagan added that Puerto Rico's "strong tradition of democracy provides leadership and stability" for the Caribbean. These statements also apply to the U.S. Virgin Islands.

Today that stability and the millions of American citizens in the region are under siege. Puerto Rico and the U.S. Virgin Islands' close proximity to the continental

United States and their lack of effective security infrastructures make them an appealing gateway for drug cartels.

The Caribbean region is also experiencing an escalation in trafficking of persons and firearms, as well as money laundering. As these networks and drug routes evolve so do the potential links to terrorism and transnational crime.

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Drug shipments from locations including Haiti, Colombia, Venezuela, and the Dominican Republic are transported to the islands on board "fast boats" and submersibles. Cargo is then dropped at obscure port locations or just simply unloaded into the water and flagged for later pick up. These locations are so remote that it can take Federal law enforcement officers hours to reach them.

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These criminal networks in the region could potentially be exploited by terrorists seeking to do us harm inside our borders. This type of exploitation was evidenced in the thwarted plot to kill the Saudi Ambassador in Washington. The Iranian Quds Force attempted to solicit a Mexican Drug Cartel member to carry out the assassination.

Iran and the Bolivarian states—(Venezuela, Bolivia, Ecuador, and Nicaragua)—which are major drug producers—bring a dangerous new set of threats to the Western Hemisphere as they work together with transnational organized crime enterprises and terrorist groups. This threat includes the potential for weapons of mass destruction-related trafficking.

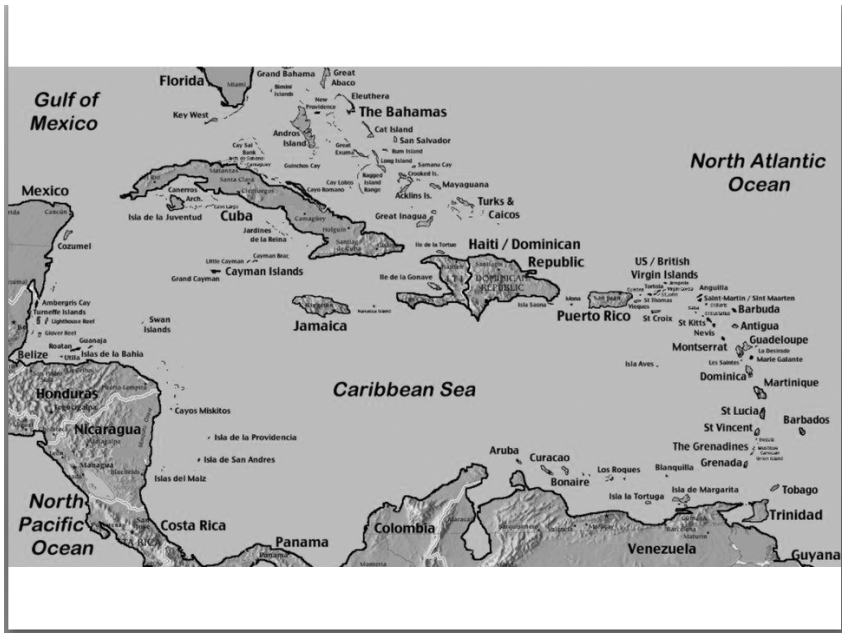
These activities are carried out with the participation of regional state actors who have publicly articulated a doctrine of asymmetrical warfare against the United States and its allies explicitly endorsing the use of weapons of mass destruction.

This is not a regional problem that won't reach our shores—these are our shores.

Earlier this month, the Attorney General was asked why the Office of National Drug Control Policy has a Southwest and Northern Border counternarcotics strategy but does not have a Caribbean Border counternarcotics strategy. Attorney General Holder's response was, "when one looks at the Caribbean, Puerto Rico in particular, I think we need a strategy. We have a task force on Puerto Rico that the Associate Attorney General is co-chair of. I think to the extent it is not explicit, we should develop such a plan."

Without a comprehensive strategy to counter the cartels increasing presence in the Caribbean, the region could continue to spiral out of control.

The American flag has flown over Puerto Rico for more than a century. The people of the U.S. Virgin Islands have been American citizens for almost as long. These islands are American soil, and our fellow American citizens need our support now.


Gulf of Mexico
North Atlantic Ocean
Caribbean Sea
North Pacific Ocean
Florida
Key West
Grand Bahama
Great Abaco
Eleuthera
The Bahamas
Cat Island
San Salvador
Andros Island
Mexico
Cozumel
Isla de la Juventud
Cuba
Cayman Islands
Grand Cayman
Haiti / Dominican Republic
Turks & Caicos
Mayaguana
Great Inagua
Jamaica
Puerto Rico
US / British Virgin Islands
Anguilla
Saint-Martin / Sint Maarten
Barbuda
Antigua
Nevis
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Cayos Miskitos
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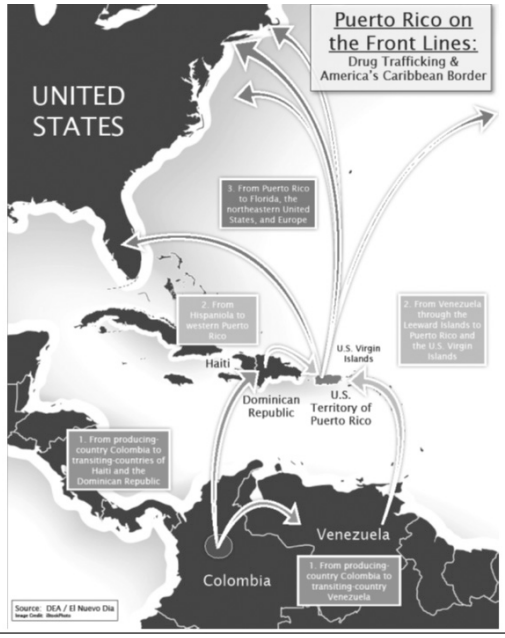
Puerto Rico on the Front Lines:
Drug Trafficking & America's Caribbean Border
UNITED STATES
3. From Puerto Rico to Florida, the northeastern United States, and Europe
2. From Hispaniola to western Puerto Rico
2. From Venezuela through the Leward Islands to Puerto Rico and the U.S. Virgin Islands
Haiti
Dominican Republic
U.S. Virgin Islands
U.S. Territory of Puerto Rico
1. From producing country Colombia to transiting countries of Haiti and the Dominican Republic
Venezuela
Colombia
1. From producing country Colombia to transiting country Venezuela
Source: DEA / El Nuevo Dia

Mr. KEATING. Thank you, Chairman McCaul, for convening today's hearing.

Thank you, Ranking Member Thompson, for joining us.

As a former district attorney in Massachusetts, I witnessed firsthand the devastating effects of drug-related crimes and violence on

entire families, communities, nations, and for the purposes of this hearing, commonwealths and States as well. In Massachusetts, 1.7 people die per day from opiate-related overdoses. With each new drug parcel crossing into our borders, hundreds more individuals will become addicted.

For this reason, it is important to understand that the drug trade has a global reach. Often in the media, on this committee and even in the administration, there is a heavy focus on immediate borders to the north and of course to the south. The truth is that there is no distance too far or hurdle too high for drug traffickers. While supply and demand for drugs remains steady, the ingenuity and wealth of smugglers increase, and the Federal dollars to fight this phenomenal enterprise decrease. Yet whether you are in Bourne, Massachusetts, San Juan, Puerto Rico, Juarez, Mexico, Praia, Cape Verde, the face of despair following the loss of a loved one to drug violence or addiction remains the same.

For this reason, I welcome this hearing's focus away from the usual association between drugs and the Southwest Border. The Caribbean is home to two U.S. territories, Puerto Rico and U.S. Virgin Islands. This is not an issue affecting a foreign nation. It is, instead, one that has significant consequences for the 4 million American citizens who live in Puerto Rico and the nearly 110,000 that live in the U.S. Virgin Islands. This is an issue that requires a comprehensive strategy, yet the homeland security resources, equipment, and personnel that are deployed to those areas are not on a par with the other parts of the United States with less challenging circumstances.

It is often noted that the main point of entry for drugs into the United States is through the Central American corridor, not the Caribbean-Florida corridor, yet the resources dedicated to Miami, the entry point from the Caribbean, far outweigh what is deployed in Puerto Rico. For example, there are currently twice as many ICE Homeland Security investigation agents in Miami than in Puerto Rico. There are almost five times the number of Customs and Border Patrol field operation officers assigned to Miami than Puerto Rico. Although the Coast Guard interdicted over 1,700 pounds of cocaine in Puerto Rico from January 2009 until August 2011 and none in Miami during this same time frame, the Coast Guard office in San Juan has to rely on assets from Miami to reinforce their fleet. Moreover, Miami has a population of 400,000, while Puerto Rico has a population of nearly 4 million. Certainly the efforts undertaken in Miami are laudable. But for comparison sake, this disparity clearly shows that Puerto Rico lacks the Federal attention warranted by the crime rate, the population, and the drug trade.

On the commonwealth level, I am concerned about the allegations of widespread systemic corruption and abuse occurring in the Puerto Rican police department. According to scathing 143-page findings letter by the Department of Justice, it is, "an agency in profound disrepair." Furthermore, recent reports as recent as last Tuesday, as a follow-up to the DOJ investigation, indicated that, "These abuses did not represent isolated incidents or aberrant behavior by a few rogue officers." It is rather, "pervasive and systematic, and it is island-wide, and it is on-going."

Yet Federal agents, through numerous Caribbean-based task force and interagency agreements have to work in partnership with the Puerto Rican police department and their officers in matters affecting our homeland security. I am therefore interested in hearing from him and how he intends to work with the Federal counterparts to ease some of the issues of the Puerto Rican police department when we have our witnesses.

Finally, I understand that a focus on the drug trade in the Caribbean may be confusing for some given the need for resources in our communities at home to fight the same problems. That being said, today's hearing and others like it that look into the trade routes in other areas, like West Africa, are needed to adequately combat drug violence and addiction.

I thank the witnesses for their attendance. I look forward to hearing from both panels on how to increase our efforts and better position the safety and security of Puerto Rico and the Virgin Islands.

[The statement of Mr. Keating follows:]

STATEMENT OF RANKING MEMBER WILLIAM R. KEATING

JUNE 21, 2012

As the former District Attorney for Norfolk County in Massachusetts, I have witnessed first-hand the devastating effects of drug-related crimes and violence on entire families, communities, nations, and for the purpose of this hearing, commonwealths, as well.

In Massachusetts, 1.7 people die per day from opiate-related overdoses.

And, with each new drug parcel crossing into our borders, hundreds more people will become addicted.

For this reason, it is important to understand that the drug trade has a global reach.

Often in the media, on this committee, and even in the administration, there is a heavy focus on our immediate borders to the north and of course, to the south.

The truth is that there is no distance too far or hurdle too high for drug traffickers.

While supply and demand for drugs remains steady, the ingenuity and wealth of smugglers increase and Federal dollars to fight this phenomenon decrease.

Yet, whether you are in Bourne, Massachusetts; San Juan, Puerto Rico; Juarez, Mexico; or Praia, Cape Verde, the face of despair following the loss of a loved one to drug violence or addiction remains the same.

For this reason, I welcome this hearing's stray away from the usual association between drugs and the Southwest Border.

The Caribbean is home to two U.S. territories: Puerto Rico and the U.S. Virgin Islands.

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For example, there are currently twice as many ICE Homeland Security Investigations agents in Miami than Puerto Rico.

There are almost five times the number of CBP Office of Field Operations officers assigned to Miami than Puerto Rico.

Although the Coast Guard interdicted over 1,700 pounds of cocaine in Puerto Rico from January 2009 and August 2011 and none in Miami during that same time frame, the Coast Guard Office in San Juan, has to rely on assets from Miami to reinforce their fleet.

Moreover, Miami has a population of 400,000 while Puerto Rico has a population of nearly 4 million.

Certainly, the efforts undertaken in Miami are laudable, but for comparison's sake, this disparity clearly shows that Puerto Rico lacks the Federal attention warranted by its crime rate, population, and drug trade.

On the commonwealth level, I am concerned about the allegations of wide-spread systemic corruption and abuse occurring in the Puerto Rico Police Department.

According to a scathing 143-page findings letter by the Department of Justice, it "is an agency in profound disrepair."

Furthermore, a report released by the ACLU on Tuesday, as a follow-up to the DOJ investigation indicated that "these abuses do not represent isolated incidents or aberrant behavior by a few rogue officers." Rather it is "pervasive and systemic, island-wide and on-going."

Yet, Federal agents, through numerous Caribbean-based task forces and interagency agreements, have to work in partnership with PRPD officers in matters affecting our homeland security.

The Governor of Puerto Rico has ultimate authority over the PRPD, is responsible for appointing a Superintendent to administer the PRPD, and approves appointments to senior positions in the PRPD, from Inspectors to Colonels. I am therefore interested in hearing from him on how he intends work with his Federal counterparts to ease some of the issues in the PRPD.

Finally, I understand that a focus on the drug trade in the Caribbean may be confusing for some, given the need for resources in our communities at home to fight the same problems. That being said, today's hearing and others like it that look into trade routes in other areas, like West Africa, are needed to adequately combat drug violence and addiction.

I thank the witnesses for their attendance and look forward to hearing from both panels on how to increase our efforts and better position the safety and security of Puerto Rico and the U.S. Virgin Islands.

Mr. KEATING. Mr. Chairman, furthermore, Governor John deJongh of the U.S. Virgin Islands was invited to testify today alongside Governor Fortuño. However, because of his other commitments, he wasn't able to attend. I have in my possession a record testimony that he would like to submit. I would like to ask unanimous consent that this be placed in the record.

Mr. MCCAUL. Without objection, so ordered.

[The information follows:]

STATEMENT OF JOHN P. DE JONGH, JR., GOVERNOR, UNITED STATES VIRGIN ISLANDS

JUNE 21, 2012

I extend my appreciation to Subcommittee Chairman McCaul and Ranking Member Keating, as well as the full committee Chairman Peter King and Ranking Member Bennie Thompson, for conducting this hearing to examine the epidemic of guns and drugs flowing through America's open border in the Caribbean. While we sit more than 1,000 miles south of Miami, the U.S. Virgin Islands and Puerto Rico are at the front lines of this crisis. We are outgunned, underfinanced, and outmanned by the cartels.

The Federal response so far has been inadequate, underfunded, and slow. The major drug cartels have targeted our islands because our borders are largely unprotected and our mail is typically uninspected. Weaponry is being smuggled into the territories from the United States and elsewhere on commercial aircraft, and in cargo vessels, fast boats, and the U.S. mail. Illegal drugs intended for American cities and towns are being transshipped through our territories, bringing into our society the corrosive elements of organized crime, corruption, and violence. Our corrections system is overwhelmed with deportable offenders. And, the cartels have developed their own system of enforcement and intelligence in the territories, which has contributed to a pervasive climate of fear and intimidation in some of our neighborhoods.

The drug trade and associated illegal activities have fueled a phenomenon of heavily armed and violent youth, whose competing gangs are steeped in greed, anger, and a disregard for our culture and societal norms. Our Virgin Islands Police Department must now be ready to confront children armed and willing to use automatic weapons.

This year, our territory is again on pace to record a homicide rate among the highest in the Nation, and many of the victims of this drug-fueled violence are young people. This epidemic is eroding our unique and open culture, is undermining our main economic engine, and is negatively impacting our business development efforts. It will not stop until the U.S. Department of Homeland Security, the U.S. Department of Justice, and their related agencies exhibit the same urgency, and the same commitment of planning and resources that are being dedicated to the Southwestern and Northern Borders of the United States and to other countries in the Caribbean region.

We know from the statistics compiled by the High Intensity Drug Trafficking Area (HIDTA) Task Force based in Puerto Rico, over 30% of the illicit drugs entering the United States are coming through the Caribbean. America's successful response to drug trafficking in the Southwestern and Northern Borders has resulted in traffickers detouring through our Caribbean region. The U.S. Virgin Islands has more than 100 miles of coastline and covers more than 600 square miles, of which 70% is water. The cartels have realized that the types of Federal drug-fighting assets being utilized on the Southwestern Border are non-existent in these open waters and numerous small islets within the U.S. Virgin Islands. These narco-terrorists are entering through the wide-open doors of the Caribbean, creating local networks for storing, protecting, and transshipping tens of millions of dollars in illegal guns and drugs. They are infiltrating our territory with fast boats loaded with tons of cocaine. Once inside the U.S. Virgin Islands, the drugs are either ferried to gateway cities such as Miami, New York, Charlotte, Boston, Atlanta, Newark, Chicago, Philadelphia, Fort Lauderdale, and Washington, DC, or simply packaged and mailed through the U.S. Postal Service or one of the other package companies. The weapons and human smugglers believe that they can operate with similar impunity within the United States Virgin Islands.

A few weeks ago, a fast boat smuggling drugs into the United States was observed as it approached the island of St. Croix. The boat crew, aware of detection, dumped tons of cocaine into the ocean and sped away. Over $25 million in cocaine was retrieved, but the criminals eluded capture because we do not have the necessary air and sea resources of the U.S. Coast Guard and Border Patrol in the territory. That example of rare interdiction is a drop in the bucket of what probably enters the United States unhindered through our waters and ports.

While the great majority of drugs most likely pass through our borders without notice, the major seizures executed over the past 2 years by the Virgin Islands High Intensity Drug Trafficking Area (HIDTA) Task Force suggest a substantial amount of cocaine, heroin, and marijuana being trafficked through the islands of St. Thomas, St. John, and St. Croix. In 2011 alone, HIDTA seized more than 100 times the amount of cocaine on St. Croix than it had seized the previous year.

Four years ago, the House Homeland Security Committee, under the Chairmanship of Representative Thompson, undertook a fact-finding mission to the U.S. Virgin Islands to see first-hand our open ocean, our miles of unprotected borders, and our close proximity to our neighbors. They heard from our local and Federal law enforcement officers who vividly described the deleterious impact of the flow of illegal guns, illegal drugs, and illegal immigrants on our community. This committee lent its voice to our effort to obtain a Federal Border Patrol Unit, an initiative ultimately rejected by our Federal partners. In the ensuing years since the committee's visit, the problem has gotten worse, not better.

I am honored, therefore, to join with Governor Fortuño of Puerto Rico and other Governors of southern and eastern States in calling for the creation of a Caribbean Border Initiative, under the Office of National Drug Control Policy. This is not simply a Puerto Rico and Virgin Islands drug and violence problem. It is a National crisis that is the result of our success elsewhere, and our failure to secure access to U.S. territories against infiltration by these ever-expanding international drug syndicates. America's Caribbean communities need the kind of high-level engagement, coordination, and resource availability that has aided the defense of our Southwestern and Northern Borders. The Obama administration has launched a Caribbean Basin Security Initiative focused on strengthening law enforcement and drug-fighting capabilities in the region, however, neither the U.S. Virgin Islands nor Puerto Rico have been included in the development or execution of this initiative. They are also unable to access any of the initiative's funding to strengthen their law enforcement assets. We view the Caribbean Border Initiative as a vehicle to ensure Federal coordination, access to resources, and the kind of U.S. commitment that will successfully complement the Caribbean Basin Security Initiative and not just shove the dilemma to another part of the Caribbean region.

Congressional oversight and funding are critical to victory in the Caribbean anti-drug effort. Because we are under-represented in Congress and we are not a State,

our fate is often controlled by Federal bureaucrats who sometimes focus more on convenience and cost-cutting, rather than effectively fighting and winning this specific war. The results are glaring.

For example, the U.S. Coast Guard does not have a single Coast Guard cutter permanently positioned in the Virgin Islands and no Federal agency has air assets stationed in the territory for law enforcement purposes. The ATF does not currently have an active presence in the Virgin Islands, and even the U.S. Postal Service shuttered its local inspection operation. And for those agencies that do have a presence here such as CBP, ICE, DEA, and Coast Guard, their staffing levels and funding remain far below their State-side counterparts.

My hope is that this hearing will result in the Department of Homeland Security and the Department of Justice regaining the resolve to fight this battle with the necessary resources to win.

The people of the U.S. Virgin Islands are among the most patriotic and proud Americans. Our enlistment rate in the Armed Forces is among the highest in the Nation. Even before we were a U.S. territory, Virgin Islanders exhibited this kind of patriotism—a Virgin Islander commanded troops at the Battle of Yorktown. Virgin Islanders have fought and died in every war of the 20th Century, up to and including the War on Terror. We are proud of our contributions to the Nation.

Although we are not a State, we have every reason to expect that our territory will be defended by the United States against its enemies. The incursion of illegal guns, illegal drugs, and illegal immigrants is at present the greatest threat to our community. I hope that this committee will help lead a more robust and effective response to this threat against our way of life.

Mr. KEATING. Thank you.

Mr. MCCAUL. The Chairman now recognizes the Ranking Member of the full committee, Mr. Thompson, for his statement.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I would like to welcome the Governor to this committee. Over the past decade, seemingly as a result of the United States counternarcotics efforts in Mexico and Central America, the Caribbean region has become a key transshipment point for drugs flowing into the United States. Unfortunately, two U.S. territories, Puerto Rico and the U.S. Virgin Islands, have become attractive targets for drug traffickers, and placed the safety and security of U.S. citizens at risk. The Department of Homeland Security, through the U.S. Coast Guard, the U.S. Customs and Border Protection, and the Immigration and Customs Enforcement, plays a vital role in the Caribbean by protecting our borders and securing the maritime environment. However, by many accounts recent budget cuts, aging equipment, and a lack of a Caribbean Border Counternarcotics Strategy, similar to the existing Southwest Border and Northern Border Counternarcotics Strategy, have resulted in inadequate DHS resources in Puerto Rico and the U.S. Virgin Islands. Furthermore, for years I have monitored vacancy rates at the Department and urged the Secretary to fill vacant positions that bear a direct role on security. I was disheartened to learn that 15 percent of ICE's authorized positions in Puerto Rico are unfilled, and a critical CBP Air and Marine Office in San Juan was closed due to budget shortfalls. These are Federal resources that Puerto Rico needs, and I urge the Secretary to fill these gaps. In the mean time, however, Puerto Rico has benefit of having the second-largest police department in the United States. The Puerto Rico Police Department, or PRPD, has 17,000 police. The ratio of PRPD to residents is approximately 4.6 officers for every 1,000 residents, more than twice the U.S. National average. While Members of this committee and our Congressional colleagues work on improving DHS's sources in Puerto Rico, I lend my full support to this effort. I am interested in hearing the

Governor's comments on how he is upholding this obligation to Puerto Rico and to remap the PRPD.

With that, Mr. Chairman, I would like to ask unanimous consent to enter into the record this report referenced by the Ranking Member from the United States Department of Justice.

Mr. MCCAUL. Without objection, so ordered.*

Mr. THOMPSON. Thank you. Also I look forward to hearing today's testimony. I yield back the balance of my time.

[The statement of Mr. Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JUNE 21, 2012

Over the past decade, seemingly as a result of United States' counternarcotics efforts in Mexico and Central America, the Caribbean region has become a key transshipment point for drugs flowing into the United States. Unfortunately, two U.S. territories—Puerto Rico and the U.S. Virgin Islands—have become attractive targets for drug traffickers and placed the safety and security of U.S. citizens at risk.

The Department of Homeland Security, through the U.S. Coast Guard, the U.S. Customs and Border Protection, and the Immigration and Customs Enforcement, plays a vital role in the Caribbean by protecting our borders and securing the maritime environment.

However, by many accounts, recent budget cuts, aging equipment, and a lack of a Caribbean Border Counternarcotics Strategy, similar to the existing Southwest Border and Northern Border Counternarcotics Strategy have resulted in inadequate DHS resources in Puerto Rico and the U.S. Virgin Islands.

Furthermore, for years I have monitored vacancy rates at the Department and urged the Secretary to fill vacant positions that bear a direct role on security. I was disheartened to learn that 15% of ICE-authorized positions in Puerto Rico are unfilled and a critical CBP Air and Marine Office in San Juan was closed due to budget shortfalls. These are Federal resources that Puerto Rico needs and I urge the Secretary to fill these gaps.

In the mean time, however, Puerto Rico has the benefit of having the second-largest police department in the United States. The Puerto Rico Police Department, or PRPD, has 17,000 police. The ratio of PRPD to residents is approximately 4.6 officers for every 1,000 residents, more than twice the U.S. National average.

Yet, according to the U.S. Department of Justice and a report that was just released by the ACLU on Tuesday, the PRPD is plagued with police abuse, violence, and corruption. Following its extensive investigation, DOJ found that the PRPD officers engage in a pattern and practice of excessive force in violation of the Fourth Amendment, unreasonable force and other misconduct designed to suppress the exercise of protected First Amendment rights, and unlawful searches and seizures in violation of the Fourth Amendment.

These findings are shocking. Moreover, the report released by the ACLU earlier this week corroborates these conclusions and further finds that in the face of the dire crime rate in Puerto Rico, rather than curbing the violence, the PRPD instead contributes to it.

This is important to note and relevant to this hearing because the PRPD is Puerto Rico's primary law enforcement agency and in the absence of additional Federal resources—which I admit is needed—the PRPD is large enough to fill the gap created by Federal law enforcement shortages, if its house was in order.

While Members of this committee and our Congressional colleagues work on improving DHS resources in Puerto Rico—and I lend my full support to this effort—I am interested in hearing from Gov. Fortuño on how he is upholding his obligation in Puerto Rico to revamp the PRPD.

Mr. MCCAUL. I thank the Ranking Member.

Without objection, I would also like to, by unanimous consent, introduce the following statements. One is a statement from Senator Marco Rubio commending Governor Fortuño and the Commissioner

*The document, "Investigation of the Puerto Rico Police Department," United States Department of Justice, Civil Rights Division, September 5, 2011, has been retained in committee files and is available at *www.justice.gov/crt/about/spl/documents/prpd_letter.pdf*.

Pierluisi for proposing a Caribbean Border initiative; a statement from Mayor Jorge Santini Padilla, San Juan, Puerto Rico, describing the problem of drug trafficking in Puerto Rico; a statement from Luis Romero, president of the nonprofit foundation Enough is Enough, who is I believe here today, whose 20-year-old son was viciously murdered by a drug runner in Puerto Rico.

We are so sorry for that. Thank you for being here today.

Hearing no objection, I will enter these into the record. So ordered.

[The information follows:]

LETTER FROM HON. MARCO RUBIO

JUNE 21, 2012.

The Honorable Michael McCaul,
Chairman, Subcommittee on Oversight, Investigations, and Management, House Committee on Homeland Security, H2–176 Ford House Office Building, Washington, DC 20515.

The Honorable Bennie Thompson,
Ranking Member, Subcommittee on Oversight, Investigations, and Management, House Committee on Homeland Security, H2–176 Ford House Office Building, Washington, DC 20515.

CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: Thank you for holding this hearing to bring greater attention to the poor security situation in our Nation's Caribbean Borders. I appreciate the opportunity to address the subcommittee on this important issue. I ask that this statement be included in the record.

Drug trafficking and associated violence affects many of our communities, and there might not be a better example of this situation than in Puerto Rico. In Puerto Rico, the combination of increased transit and consumption of illicit narcotics and the negative effects of the on-going economic recession is exposing millions of American citizens to levels of violence that are unheard of anywhere else in the United States. According to press reports, 1,136 people were murdered in Puerto Rico in 2011. That is more than 30 deaths per 100,000 inhabitants, more than five times the National U.S. average. I would note that, according to Puerto Rican officials more than 70 percent of those murders are directly related to drug trafficking.

As I pointed out at a Senate Western Hemisphere Subcommittee hearing earlier this year, if these levels of violence were taking place in any city in the continental United States, Congress and the administration would have been pressed into taking meaningful measures to end it. Peace and security in Puerto Rico is not a foreign issue, but a domestic responsibility of this United States.

Our efforts to reduce illicit narcotics trafficking and its associated transnational criminal organizations have been aptly likened to squeezing a balloon—press too hard on one side and thc balloon expands on another direction—with the implication that counternarcotics efforts simply pushes traffickers into ill-equipped areas like Puerto Rico. The solution is to get better at fully coordinating and resourcing our efforts to reduce and eliminate transnational criminal organizations. And when it comes to a U.S. territory and American citizens, this coordination and resourcing needs to be a priority.

As American and Colombian countemarcotics cooperation started to show progress in Colombia, drug traffickers began to move their operations to Mexico and Central America. The previous administration and Congress responded to these challenges by developing unprecedentedly close coordinating mechanisms with Mexican and Central American authorities and designating about $1.9 billion[1] over the last decade on security assistance. The current administration's Central America Regional Security Initiative (CARSI) and Caribbean Basin Security Initiative (CBSI) added an additional $700 million and seek to build upon those efforts and include some of the lessons learned from previous experiences.

Yet, none of these initiatives appear to have taken into account the need to be equally creative in ensuring that the inter-agency process includes local and State governments from U.S. territories in the Caribbean.

[1] Congressional Research Service Report R41215. Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs. The reported CARSI figure of $466 million was increased to $496 million after publication of the report.

Just a few weeks ago, on June 7th, Federal agents arrested dozens of airline workers and baggage handlers at Puerto Rico's busiest airport, targeting what authorities say are two drug-smuggling rings working together to move cocaine into the United States aboard commercial aircraft. A 2011 National Drug Intelligence Center report indicated that cocaine seizures in the Puerto Rico and U.S. Virgin Islands area increased 76 percent between 2009 and 2010.[2] And, at an October 2011 Senate Western Hemisphere Subcommittee hearing on CBSI, Rodney Benson, Intelligence Chief, Drug Enforcement Administration (DEA), confirmed that larger and larger loads of both cocaine and heroin were transiting, and now staying, in Puerto Rico.

These and other disturbing trends should prompt this Congress and the administration to explore ways to make the governments of Puerto Rico and the U.S. Virgin Islands as full partners in the inter-agency process responsible for crafting and resourcing our Nation's counternarcotics strategy in the Caribbean. This includes taking into account the territories' capacity to address any threats that may stem from transnational criminal organizations seeking to evade international law enforcement efforts. I commend Puerto Rico's Resident Commissioner Pedro Pierluisi and Governor Luis Fortuño for their proposal to develop a Caribbean Border Initiative. I urge the President to start working on this proposal at once, and I encourage Congress to provide any legislative mandate necessary to achieve it.

It is also imperative to provide any appropriate Federal support to Puerto Rican efforts to reform and modernize their law enforcement forces. Governor Fortuño has recognized the pressing need to address the growing challenge of illicit narcotics and has taken some promising steps, including several joint strike forces with Federal authorities that have recently been credited with making 6,000 arrests, broken up 400 illicit drug markets, confiscated hundreds of firearms, and helped dismantle major crime organizations. The Governor has also committed to 100 percent cargo inspections at the busy Port of San Juan in an effort to stem the traffic of illicit drugs and firearms.

It's clear that Governor Fortuño faces an uphill struggle as he deals with the growing threat from drug trafficking organizations. We need to think more strategically about how our efforts in Mexico, Central America, and the Caribbean will affect U.S. territories, and build some measure of resiliency into those plans to ensure that the balloon doesn't crush Puerto Rico. In that context we must look for ways to increase support to Puerto Rico's beleaguered institutions.

Today, Immigration and Customs Enforcement has 26 vacant positions in Puerto Rico; the Bureau of Alcohol and Firearms has 17 such vacancies, and the DEA needs to fill 16 vacancies. The attorney general and Secretary of Homeland Security must make a serious effort to find creative and flexible ways to fill these posts.

Again, thank you for giving me the opportunity to testify before this subcommittee. I trust this hearing will help find solutions to address the intolerable levels of violence and crime affecting the people of Puerto Rico.

Sincerely,

MARCO RUBIO,
United States Senator.

STATEMENT OF MAYOR JORGE SANTINI PADILLA, SAN JUAN, PUERTO RICO

JUNE 21, 2012

INTRODUCTION

Chairman McCaul and Members of the subcommittee, thank you for allowing me the opportunity to submit the following statement. I am pleased that you are conducting this hearing on the problem of drug trafficking in the Caribbean and on the very real concern that our island could be used by criminals and terrorists as a gateway to the continental United States.

As the Mayor of San Juan, I am concerned with the health, safety, and security of my fellow citizens and the millions of visitors who reside and visit our capital city. The increased drug trade has been a big challenge of my administration and I will continue to work with Governor Fortuño and the Federal agencies to combat this threat.

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[2] 2011 National Drug Intelligence Center Puerto Rico/U.S. Virgin Islands High Intensity Drug Trafficking Area Drug Market Analysis Report, *http://www.justice.gov/ndic/dmas/PR-VI_DMA-2011%28U%29.pdf.*

As a United States Marine and current Colonel in the Puerto Rico National Guard, I have dedicated my life to the security of our great Nation. Nothing saddens me more than the thought that my island could be used by terrorists as a back door entry to the continental United States. I am concerned, however, that this could be the case and thus join my Governor and DHS officials in requesting more resources to combat terror in the Caribbean.

San Juan is Puerto Rico's largest metropolitan center. With a population of approximately 500,000 residents in San Juan and 1.6 million in the San Juan metropolitan area, the city has the highest levels of economic and social activities in the Caribbean. However, with such a high level of commerce and the island's strategic geographic location between South America and the United States, there also exists the risks and the reality of an ever-increasing drug-trafficking network and drug-abuse problem for our residents and visitors. Clearly, due to our population and as the most visited city in Puerto Rico, we are a magnet for potential terrorist attacks when compared to other cities in Puerto Rico and on the mainland United States. While there have been key efforts and huge amounts of resources devoted from the local, State, and Federal governments and the various law enforcement agencies to try and decrease the power of the drug trade, more support and an overall greater emphasis must be given to the island and the city of San Juan if we are to truly make a difference in this great endeavor we have undertaken.

LAW ENFORCEMENT EFFORTS

The city of San Juan is at the forefront of the fight against drug-traffickers. Our law enforcement jurisdiction includes a 123-square-mile area of the Northern Coastal Plains region, including the city of San Juan and the viable water connections of the San Juan Estuary, including the San Juan Port Area. The San Juan Police Department supports Federal and State law enforcement agencies such as the Puerto Rico State Police Department (PRSPD), the Puerto Rico Justice Department (PRJD), Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the U.S. Immigration and Customs Enforcement (ICE), as well as others. Through these formal partnerships, the San Juan Police Department has been able to establish task forces, participate in large-scale investigations, and ensure the optimal and effective use of resources in the war against drug traffickers.

Some of these combined efforts have produced positive results such as the recent shutdown of two large drug smuggling rings at the Luis Muñoz Marin International Airport on June 6, 2012. In this case, the DEA and other authorities including the FBI and PRSPD, with the collaboration of the San Juan Police Department, indicted 45 people of which 36 were arrested in a drug-trafficking raid. The individuals indicted were accused of transporting large amounts of cocaine using various methods. These methods included carrying cocaine packages in bags and backpacks, and hiding it within themselves and in official work vehicles. About 20 of the 45 individuals indicted were charged for allegedly aiding and abetting each other and conspiring to possess with intent to distribute in excess of 9,000 kilograms of cocaine aboard American Airlines commercial flights. These drugs were headed to the continental United States, specifically New Jersey, New York, Florida, Pennsylvania, Maryland, and Massachusetts.

INCREASED DRUG TRAFFIC

While there has been an increase in law enforcement efforts in recent years to address the drug-trafficking problem, unfortunately, there are more and more drugs being brought into the city and transported into the continental United States than we can track and seize.

One contributing factor to the increased drug traffic is the falling price of cocaine and other drugs. The most recent average price estimates for a kilogram of cocaine in the High Intensity Drug Trafficking Area (HDTA), which includes Puerto Rico and the eastern Caribbean, has decreased from a range of $28,000 to $30,000 in October 2008 to a range of $16,800 to $21,000. This has made cocaine and other drugs more readily available in Puerto Rico and especially in the city of San Juan.

My administration and local law enforcement agencies also agree that a second factor contributing to the wide availability of drugs in San Juan and in Puerto Rico is that increase in security at the U.S.-Mexican Border. We have seen that this has resulted in the drug cartels and drug traffickers making more use of the Caribbean corridor, of which Puerto Rico remains a central hub, to transport drugs.

THE PORTS

The airports and seaports in San Juan are central in our concerns about drug traffic and potential terror threats. The Port of San Juan is the island's main sea-

port and the Caribbean's busiest. In 2011 alone, there were an estimated 1,484,595 cargo units that made their way through the Port of San Juan. This made San Juan the twelfth-busiest seaport in North America, and the most used in the Caribbean. Luis Muñoz Marin International Airport and the Fernando Luis Ribas Dominicci Airport (also commonly known as Isla Grande Airport) both serve the city of San Juan and its outlying communities, with the former being the largest airport in all of Puerto Rico. Over 4 million passengers travel every year through the Luis Muñoz Marin International Airport while the Isla Grande Airport sees almost 40,000 passengers come through its gate, most of them from other islands in the Caribbean.

Our ports are equipped with technology and security enhancements that have been put in place to detect drugs, explosives, and other illegal contraband that may make its way onto the island. These include over 153 video cameras at the Port of San Juan, 7 of which are outfitted with special night vision lenses and have the capacity to cover up to 11 miles of the seaport perimeter. The port is also equipped with other security measures such as an advanced radio video surveillance system, a command center, a Docks and Ships Management System (DSMS), and an automated identification system that offers data regarding velocity, knots, distance, and orientation of incoming ships.

With this much traffic going through our ports, it is only reasonable to think that drugs and other illegal contraband have the potential to be smuggled into the island and eventually into the continental United States. While established security measures and personnel work hard to deal with the inflow of drugs and other illegal contraband through our ports, these efforts are limited in their capabilities. The amount of traffic that the ports receive makes it impossible to screen and check every item that comes through. As a result, criminals and drug traffickers are always active in trying to outsmart and outmaneuver the security measures and personnel. They do this by creating new ways to smuggle contraband on a daily basis that sometimes makes it difficult for law enforcement personnel and security to discover. These tactics include sewing small packages of drugs into pieces of clothing, and paying crew members of cruise ships to sneak the drugs onto the ships and deliver them to local dealers in the mainland, among other ways. In addition to this, once new and/or effective methods of smuggling drugs are decided, drug-traffickers and criminals will execute these methods in large numbers, as discovered during the June 6th raid and other instances.

As defined and established by the U.S. Coast Guard, the San Juan seaport is defined as a Group II port area facing potential threats and risks in the event of terrorist attacks. In view of the San Juan Port's level of importance and its contribution to the business and trading sectors of the island, the San Juan Police Maritime and Divers Units collaborate with Federal agencies such as the TSA, FBI, Coast Guard, and CBP, in joint operations that include the underwater inspection of ships' hulls for possible drug smuggling or presence of improvised explosive devices (IED's).

DRUG ABUSE AND TREATMENT

As we are working on the huge challenge of decreasing the number of drug packages smuggled into the continental United States through San Juan and Puerto Rico, the local San Juan population and government are also dealing with the effects of addiction and drug-related crime. Unfortunately, a large segment of the population affected by drugs is our veteran population. San Juan is home to thousands of our Nation's veterans and that number continues to grow as our brave men and women return from Afghanistan. We are devoted to the care of our veterans, including those battling drug addictions. We have worked on numerous outreach programs to counter the challenges unique to San Juan veterans including language and cultural barriers to seeking help.

ADDITIONAL RESOURCES NEEDED

In order for the municipality of San Juan to continue to support the Federal and State agencies charged with protecting our borders, combating drug trafficking and distribution, and thwarting terrorism, the city will require additional resources. Each day, criminals and terrorists become more sophisticated. Law enforcement is in many cases out-manned by huge criminal enterprises. The San Juan Police Department actively supports all Federal and State agencies and will continue to do so without hesitation. However, between the everyday operations of a major metropolitan police force and the added responsibilities of fighting the drug trade and potential terrorist plots, our department's resources are stretched thin. The city of San Juan and the United States as a whole would benefit from a Federal commitment to putting more officers on our streets and updating our equipment.

CONCLUSION

The problem of drug trafficking is one that needs to be approached on multiple fronts. While it is crucial that we enhance and improve our law enforcement capabilities, we must also tend to the victims and bystanders of this epic struggle. The city of San Juan is at the forefront of this fight and will always continue to contribute as many resources, personnel, and energy as it can provide. But the city cannot do this alone. It needs the strength, support, and will of not only Puerto Rico and its residents, but those of its fellow Americans as well. As the days go by, San Juan is faced with a daily surge in drug-related violence; including murders, drug-addicted residents, and a rising powerful drug underworld that seeks to undermine the foundation and progress of the United States.

Mr. Chairman and Members of the committee, I implore you to consider what has and will be said today. America's Caribbean Border needs to be at the priority list if the United States is serious about keeping the homeland safe and secure. I hope that through these and other findings and revelations, the United States Congress and the American Government will become more willing and able to come together and find sustainable and palatable solutions to these issues. This is not a matter of just drug trafficking, crime, and cartels, but one that threatens our civil liberties and National security.

LETTER FROM LUIS G. ROMERO

JUNE 15, 2012.

Hon. Michael T. McCaul,

Chairman, Subcommittee on Oversight, Investigations, and Management, House Committee on Homeland Security, House of Representatives, 131 Cannon House Office Building, Washington, DC 20515.

DEAR CONGRESSMAN MCCAUL: Following up on our letter dated June 1, 2012 (copy attached), we would like to submit to the Subcommittee on Oversight, Investigations, and Management of the House of Representatives additional information that may aid the subcommittee in its deliberations. The subcommittee is correct to be concerned about the U.S.-Caribbean Border. In Puerto Rico and the U.S. Virgin Islands live approximately 4 million American citizens. These citizens are facing a continuous threat as a consequence of this National security issue that needs to be attended to.

Puerto Rico is working hard to do its part. Additional resources are being provided by the Puerto Rico government for law enforcement. In a highly unusual movement, particularly difficult in an election year, a bipartisan effort has taken root to pass tougher laws in order to stiffen penalties and correct procedural obstacles. Citizens-Police interaction committees have been created in all of the Puerto Rico Police regions. Likewise, organizations like BastaYaPR ("It's Enough, Puerto Rico") are focusing their attention to community-led initiatives to reduce crime and get rid of the scourge of the huge drug traffic that is passing through on its way to the USA mainland. BastaYaPR donated to the police equipment and made available at no cost a cellular application to improve citizens reporting drug-related incidents and other crimes to the police.

But the local law enforcement agencies can do all they can, the citizens can get up in arms, and that is not enough. There is a huge gap: Border protection. The United States Government has the main responsibility of protecting the border and without sufficient resources this is just not possible.

In 2011 there were 1,136 murders in Puerto Rico and 1,017 in 2010. The total numbers of Type I crimes were 62,269 and 62,257 in 2011 and 2010 respectively.[1] On a State level, this table shows how Puerto Rico compares with other States:[2]

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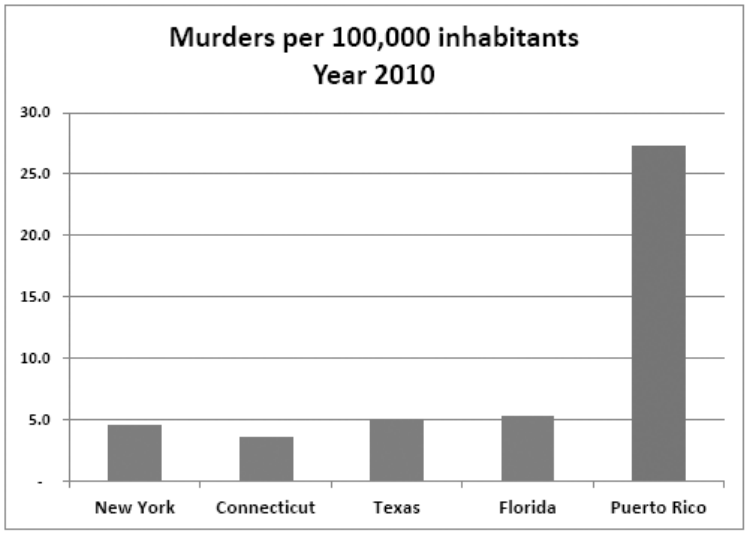
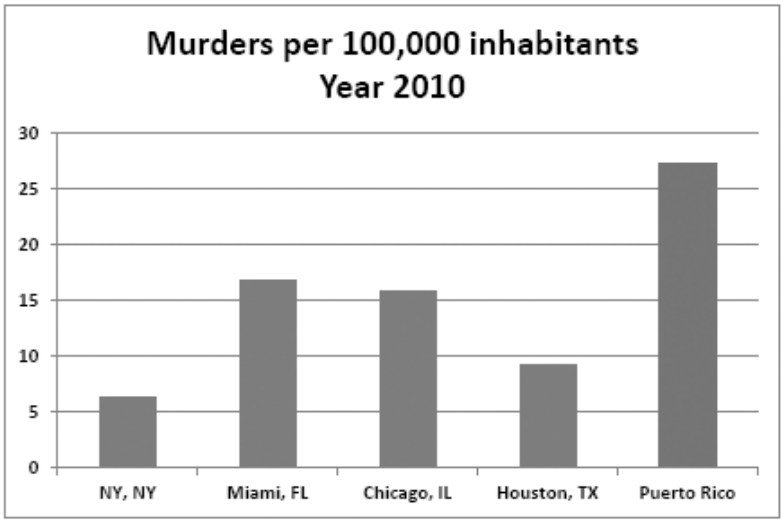
[1] Source: Puerto Rico Statistics Institute.

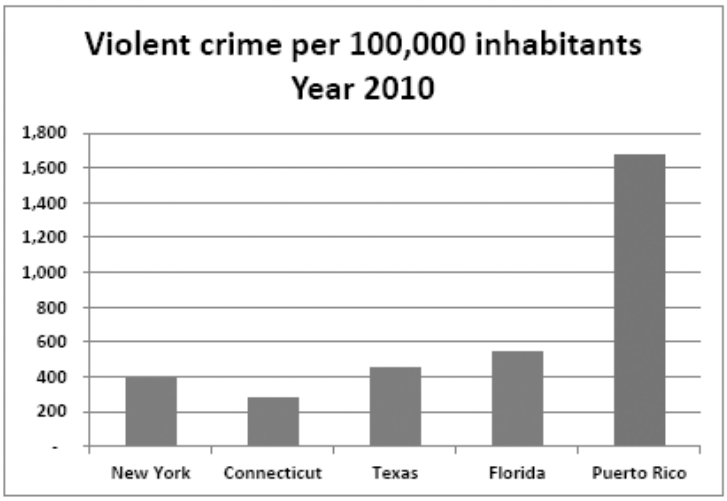
[2] Source: Uniform Crime Reports, FBI.



Comparing major cities with Puerto Rico may be a better analysis due to Puerto Rico's population density:



Now let's look at total violent crime rates and see the result of the drug traffic running through Puerto Rico:



There is no better proof than the previous charts that the Caribbean-U.S. Border is porous, American citizens are dying as a result, and Federal law enforcement agencies need to be bolstered with more personnel and funding. The drugs that are not stopped at the Caribbean-U.S. Border end up in cities across the 50 States.

We fully support the creation of a Caribbean Border Initiative, similar to the effort along the U.S. Southern Border, to ensure the Nation's borders are fully protected.

Respectfully submitted,

LUIS G. ROMERO,
President, BastaYaPR, Inc.

Mr. MCCAUL. With that, I would like to introduce our first panel. Governor Luis Fortuño is the Governor of the Commonwealth of Puerto Rico, a position he was elected to in 2009. He serves as chairman of the Southern Governors Association, as well as the president of the Council of State Governments.

Prior to being elected, he served as a Resident Commissioner of Puerto Rico from 2005 to 2009. During his time in the House, he served as vice chair of the Congressional Hispanic Conference and was a cosponsor of the Puerto Rico Democracy Act. Before being elected to public office, Governor Fortuño was the first secretary of the Puerto Rico Department of Economic Development and Commerce, as well as the executive director of the Puerto Rico Tourism Company, and served as the president of Puerto Rico's Hotel Development Corporation.

On a point of personal privilege, I can say he is a personal friend of mine and a colleague. We came into the Congress together and served together for many years.

Governor, it is good to see you back in Washington. With that, we are ready for your testimony.

STATEMENT OF THE HONORABLE LUIS FORTUÑO, GOVERNOR, COMMONWEALTH OF PUERTO RICO

Governor FORTUÑO. Thank you, Mr. Chairman.

Chairman McCaul, Ranking Member Keating, and distinguished Members of the subcommittee, I appear before you to address the building National security threat posed by transnational drug-trafficking organizations infiltrating our country and endangering the safety of over 4 million U.S. citizens living along the U.S.-Caribbean Border.

I would like to thank you especially, Mr. Chairman, Chairman McCaul, good friend, for your leadership in calling this hearing and bringing attention to this growing security challenge that has been overlooked in Washington for too long. Because as you well understand, Mr. Chairman, it is not just about the safety and security of U.S. citizens in Puerto Rico and the U.S. Virgin Islands, but also intrinsically linked to the safety of U.S. citizens throughout the mainland.

Today, Puerto Rico is serving as the last line of defense in the Caribbean to prevent drugs and violence from reaching the U.S. mainland. Drug-trafficking cartels operating from Colombia and through transit countries, like Venezuela and the Dominican Republic, are sparking a battle for drug turf in Puerto Rico and unleashing a brutal wave of violence in their wake.

Let me paint a picture of the horror that I am referring to, because I am not convinced that Federal officials recognize the severity of our situation. Last year, at a mall just outside of San Juan, a violent conflict between two drug dealers over the control of a nearby drug retail point resulted in a bloody shooting that left one of the dealers dead and several innocent bystanders wounded. At 5 o'clock in the afternoon, in the middle of a food court crowded with dozens of adults and children, 21-year-old Luis Valdez opened fire, shooting 22-year-old Emmanuel Zapata nine times in the head and torso with a 40-caliber handgun. Several in the crowd were struck by stray bullets during the pandemonium. One of the victims was a 14-year-old girl, I repeat 14-year-old, a ninth-grade high-school student who later testified at the shooter's trial. She had arrived at the mall with her grandfather and a friend from school, and was waiting in the food court to meet up with her brother. A mother who was in the food court with her 7-year-old child was struck and rushed to the hospital for, thankfully, life-saving medical care.

After the shooting, the perpetrator fled the scene and Puerto Rico. In July, he was extradited from the State of New York, where he had fled, was tried and convicted, and he is now serving a 199-year sentence for first-degree murder.

What stands out starkly is the audacity of this crime, committed at a crowded mall with dozens of witnesses, with the play-by-play caught on security cameras and complete disregard for the innocent. Just imagine if this were happening in Austin, in Tampa, in Brooklyn, or any of your home towns.

Unfortunately, this is but one example of the blatant and unbridled drug violence that is happening on U.S. soil right now and threatening the lives of over 4 million U.S. citizens residing in Puerto Rico and the U.S. Virgin Islands. The U.S.-Caribbean territories of Puerto Rico and the U.S. Virgin Islands are America's Caribbean Border. Because of our geographic proximity, the U.S.-Caribbean Border is increasingly being used as a transshipment

zone for cocaine and other drugs destined for mainland U.S. markets. Actually, just last night, we stopped 6 kilos at the airport going to Boston.

As a U.S. territory, once these drugs enter Puerto Rico, they are easily delivered to the States through commercial airlines and container ships without having to clear Customs or other heightened scrutiny. An estimated 70 to 80 percent of the Colombian cocaine reaching Puerto Rico is then transshipped to U.S. cities cross the Eastern Seaboard, from Florida all the way to New York and Massachusetts.

Puerto Rico is in turn a destination for illicit drug money and illegal firearms coming from the U.S. mainland to fortify drug-trafficking networks. Large drug-trafficking organizations are putting illegal proceeds into bank accounts in Puerto Rico and then funneling the money to accounts in Asia, Europe, and even the Middle East. Recent ATF data confirms illegal firearms used to commit crimes in Puerto Rico can be traced back to more than 20 States, with Florida, Texas, Georgia, and Ohio being the biggest sources last year.

These transnational criminal organizations pose an ever-changing threat. The reality is that Federal and State law enforcement have not been able to keep pace with this agile and well-funded enemy. As a result, the U.S.-Caribbean Border is experiencing a dramatic upsurge in drug-related violence. While the U.S. homicide rate has declined substantially in recent decades, Puerto Rico is experiencing an extraordinary uptick. In 2011, Puerto Rico had the highest number of murders in a single year in all of its history, with 1,136 murders for a population of approximately 3.7 million people.

Puerto Rico law enforcement officials estimate that close to 80 percent of murders are related to illegal drug trade. This has driven Puerto Rico's murder rate to six times the National average and more than twice as high as any State. To put our figures in context, Texas, with 25 million residents, had 1,246 homicides in 2010. Ask anyone who understands basic economics can tell you once the Puerto Rico market reaches saturation, local distributors can either drop their prices to generate greater demand or they can eliminate their competition and steal away customers. Judging from the levels of trafficker-on-trafficker violence, these criminals are routinely using intimidation and violence to gain control of local retail drug markets.

These crimes are only becoming more ruthless. In October 2009, the Tombola massacre occurred. Members of a drug ring used automatic weapons to attack a rival trafficker at a nightclub in Toa Baja, Puerto Rico, leaving 8 bystanders dead and more than 20 wounded. These tragedies have not adversely affected Puerto Rico tourism, partially attributed to our State police dispatching additional officers to protect high tourism areas.

But I must tell you, this situation has greatly tested our resolve. The Government of Puerto Rico is doing everything within our limited jurisdiction and resources, but we cannot fight this war alone, nor should we be required to do so. This is a shared responsibility. The consequences affect us all. Nearly 30 percent of illegal drugs coming into the continental United States come through the Carib-

bean, making us as important a border from a defensive standpoint as the U.S.-Mexico Border. While a strong commitment of Federal law enforcement resources have justifiably gone to the U.S.-Mexico Border, defenses along the U.S.-Caribbean Border have remained under-resourced. Highlighting the truly interconnected nature of this threat, pressure brought to bear along the U.S.-Mexico Border has resulted in traffickers increasingly using routes through the Caribbean.

Members of this committee are correct to be concerned about stopping drug trafficking in the Caribbean, as up to 80 percent of the cocaine coming through Puerto Rico reaches cities across the Eastern Seaboard. This is truly a National security issue. The Federal Government must take responsibility for guaranteeing the safety and security of America's Caribbean Border, the safety and security of more than 4 million U.S. citizens who live there, and the safety and security of State-side communities impacted by the flow of drugs and violence.

Puerto Rico is facing many challenges, and we are showing real and genuine accountability to confront those challenges. As Governor, I refuse to shy away from making tough decisions that ultimately affect the safety and quality of life of my constituents. But I firmly believe the Federal Government must make an equally strong commitment. As a U.S. territory, we receive disproportionately less Federal funding for law enforcement efforts when compared to States with similar populations and fewer responsibilities affecting National security. Similar to the fiscal challenges we face at the Federal level, Puerto Rico has faced deficit and budget challenges. I have made it clear to my entire team that everyone is expected to create a more efficient, effective, and accountable government. We have made great advances toward putting Puerto Rico on the right path. But when we dedicate all of our State-level resources to law enforcement, a sacrifice that we continue to make alone, it places too much of a burden on my constituents.

Since I took office in 2009, I have been working to address this very serious drug-trafficking problem and the violence it spawns. I have been working to bring about positive change in our State police and criminal justice system that have traditionally faced significant challenges due to years of underfunding, inefficiencies, lack of sufficient oversight, and administrative neglect.

The government of Puerto Rico is implementing a comprehensive effort to improve the professionalization of the Puerto Rico Police, one of the Nation's largest police forces, with approximately 17,000 officers. We are addressing the issue through multiple fronts, including training partnerships with the local police force, purchasing new equipment, improving precinct conditions, and increasing officers' salaries, as well as improving access to modern communications and technology.

The reform process is focused on changing and improving the police policies and practices of the Puerto Rico Police in all aspects of the organization's culture, operations, structure, investigations, education, and services. The goal is to make the Puerto Rico Police a model for Constitutional policing. Steady progress has been made and will continue toward that objective. The U.S. Department of Justice's Civil Rights Division's investigation into the Puerto Rico

Police, which began before I took office, revealed brewing issues for our law enforcement. My predecessor regrettably ignored these violations, and it has taken time to make the improvements that I expect. But we have taken swift and decisive action to reform the State police. Without excuses or delays, we have assumed responsibility and initiated a full-fledged reform effort to not only help officers do their jobs better and within the framework of Constitutional policing, but to restore public confidence and trust in the police and the State justice system.

We established an independent monitor who evaluated the policies, procedures, and practices of the department. We established a new use of force policy and have trained over 14,000 officers in that policy. We have improved and expanded officer training at the police academy for both new recruits and veteran officers, and we have improved officer supervision.

I appointed Hector Pesquera, who is here with me today, as the new superintendent of the Puerto Rico Police. Superintendent Pesquera is uniquely qualified to lead the reform efforts. He began his successful 27-year career with the FBI and has come back to Puerto Rico to help combat crime and strengthen collaboration between the police, local communities, and the Federal Government. To help empower our citizens, we partnered with a local not-for-profit Basta Ya, which means "enough is enough."

With me here today are the founders of Basta Ya, Luis and Marie Romero, who lost their son just over a year ago because of a violent crime, as you just mentioned. Thank you for being here with us today. This family has led by the powerful example of turning their personal tragedy into a community effort to help the police fight violent crime. Basta Ya developed a service for people to anonymously file police reports using on-line resources and mobile applications. This collaboration within the legal communities has helped our police gather valuable intelligence in locating the scene of a crime and apprehending criminals.

My administration has expended considerable resources to reform and strengthen the police by bringing in a multidisciplinary team of law enforcement and policing experts, who have been working on this issue for over 2 years. We are making real progress in improving our police department, which we believe is a moral imperative to which my administration is fully committed.

To directly attack the drug problem and assist in protecting our borders, my administration has established several significant initiatives. Let me go over them very quickly. Strike the Drugpoint is a joint operation led by the Puerto Rico Police and prosecutors from our State organized crime unit. This State strike force has dismantled 741 drug retail points throughout Puerto Rico, obtaining a very high conviction rate. We have also gone after the drug trafficking network supply chain. Our Strike the Supplier force allows State law enforcement officials to actively go after drugs and weapons entering our harbors and airports. Our Group of 100 initiative is comprised of officers specializing in narcotics, highway patrols, vehicle thefts, and tactical operations. The multidisciplinary units work collaboratively to identify, investigate, disrupt, and dismantle drug retail points.

We also instituted a cargo container scanning and inspection program to identify contraband, drugs, and weapons entering illegally through our maritime ports. After much effort, we recently reached agreement with the U.S. Customs and Border Protection enabling us to scan in-bound international cargo as well. We are now scanning more than 90 percent of in-bound cargo containers arriving at the port of San Juan, the island's largest shipping port, with a goal of scanning up to 100 percent of in-bound cargo by later this summer.

While these border security measures have been essential, I realize that we cannot arrest our way out of this problem. That is why my administration is also implementing treatment and prevention services to reduce the threats that these dangerous drugs pose to my constituents. My administration has partnered with many not-for-profits to treat as many drug abusers and addicts as possible.

We have implemented a CeaseFire pilot program in Puerto Rico based on a successful Chicago model to help treat drug addicts and criminals. CeaseFire creates a neighborhood-by-neighborhood strategy to end the cycle of violence and restore peace. Community leaders and local citizens learn how to partner with our public safety leaders and become first responders. We always know what is happening in our neighborhoods. Now we can actually do something about it. It is the first step towards taking back our streets.

As an island, we need to be more effective as first responders within our communities. We must prevent violent acts from occurring. We must identify the people who are most vulnerable. In many disadvantaged areas of Puerto Rico, no different than in many of your districts, gangs are brainwashing our children, leading them down a deadly path. We have a responsibility to rescue our children from the deadly influence of gang violence. We need to give our children the positive influences they need to become responsible citizens. CeaseFire is not only teaching responsibility; it is saving lives. We also work closely with youth through the Value Your Life program, Valora Tu Vida, which allows at-risk youth to interact with reformed convicts and victims of crime.

It is important that they actually see the faces of the people affected by drugs and violence, and increase their commitment to a higher set of values and ethical behavior. We have also worked with the renowned Josephson Institute of Ethics to implement the Character Counts program throughout our public schools. It is an opportunity to underscore the values we want to pass on to our children and has helped reduce bullying, fighting, and dropouts, as well as improvement in academic performance. That is real progress. That is something that every Puerto Rican family should be proud of. After all, we are all in this together.

Through a unique government, community, and faith-based collaboration we implemented the most successful weapons amnesty program in Puerto Rico's history. In a period of just 90 days, 1,966 illegal firearms and over 100,000 rounds of ammunition were taken off our streets. With entire communities working together, we proved that you can get weapons off the streets and out of the hands of those considering a life of crime. I am proud of their decision. For those who did not surrender their illegal weapons, we will not allow them to threaten our quality of life. Our police officers

are working closely with every community so that we can all take responsibility in protecting our neighborhoods.

Puerto Ricans will continue to show strength on public safety during a referendum this August. We hope to amend our territorial constitution to limit suspected criminals from being released on bail. This provision would apply to all suspects accused of committing murder that involves premeditation, stalking, home robbery, kidnapping, sexual assault, firing a weapon in public and from a moving vehicle, and when the victim is an officer on duty. Passing this amendment will address the Achilles heel of Puerto Rico's criminal justice system, which for decades has allowed violent criminals arrested on murder charges to walk right back out onto the streets and kill more innocent civilians, including potential witnesses. This situation is simply unacceptable.

I plan to do everything I can to support this referendum in order to better protect Puerto Rican families. Since coming into office, my administration has worked hard to reestablish and improve relationships between State and Federal law enforcement agencies. I have personally hosted regular meetings to bring together Federal and State law enforcement leadership on the island, and we have success stories to prove that this partnership can work. The first big breakthrough was in February 2010, with the signing of a memorandum of understanding between the U.S. District Attorney's Office, the Puerto Rico Department of Justice, and the Puerto Rico Police on cases involving concurrent State and Federal jurisdiction. This MOU laid out the investigative and prosecutorial responsibilities of drug trafficking and violent crime cases.

Puerto Rico has also detailed over 260 State police officers to work directly in Federal law enforcement agencies through joint task forces, with the officers detailed to the FBI, DEA, ATF, ICE, CBP–Air and Marine, TSA, U.S. Marshals, U.S. Postal Inspector, IRS, and other Federal agencies. We also worked with Federal authorities to create an illegal firearms and violent crimes strike force that operates in five of the island's 13 police regions. As of this May, the strike force has already yielded 336 arrests, of which 314 suspects were being detained without bail. This is in large part responsible for the over 20 percent reduction in murders this year over last for the zones covered by this agreement.

The proof of these successes is in the statistics. In 2011 alone, the task forces arrested over 1,800 individuals, of whom more than 170 were illegal immigrants. They also seized close to $95 million in illegal drugs, over 800 illegal firearms, and 5,000 rounds of ammunition, and over $27 million in vehicles, boats, airplanes, and real estate being used by criminal networks.

We also collaborated successfully with Federal law enforcement officials in Puerto Rico. They have performed exceptionally under very challenging circumstances. They are often doing their work with fewer resources, less manpower, less funding, and less strategic support from Federal law enforcement officials in Washington than their counterparts in other U.S. jurisdictions. While I applaud their perseverance, they lack the appropriate resources to overcome the homeland security threats that pervade this Nation, including in our U.S. territories. That is the primary role of the Federal Government, yet it is clear that over 4 million U.S. citizens in the Car-

ibbean territories are being left underprotected. We have observed that there is a clear mismatch between the level of drug-related violence occurring along the U.S.-Caribbean Border and the size and scope of Federal response.

When American lives are in danger, we have a moral obligation to protect them wherever they may be. I know that you share my belief. I need your commitment to act on this principle. Unfortunately, the limited attention and leadership from Washington's Federal law enforcement agencies suggest that Puerto Rico and the U.S. Virgin Islands are lower priorities. We are not just talking about the value of life. We are talking about American lives. Puerto Ricans have fought and died for this country in many wars. We have that honor, we take that honor seriously, and we expect the same principle that compels us to fight for this Nation will also persuade Federal law enforcement officials to aid their fellow Americans in Puerto Rico and the USVI. This lack of sufficient attention is most blatantly evidenced by the absence of any kind of comprehensive interagency strategy by the Federal Government to counteract the drug violence and National security threats these criminal networks generate along the U.S.-Caribbean Border, threats that range from laundering illicit drug proceeds to trafficking of illegal weapons, threats that involve other criminal enterprises such as human trafficking, prostitution, identity fraud, and financial crimes. All these crimes chip away at our Nation's security and undermine the safety of our citizens. Even worse, we know some of the drug trafficking organizations operating through Puerto Rico have had ties to narco-guerilla organizations such as the Revolutionary Armed Forces of Colombia, or FARC. FARC has been known to demand payments from trafficker networks in exchange to help transporting drugs from Colombia to Venezuela. In a recent example, the DEA dismantled a well-oiled distribution chain that between 2006 and 2011 moved close to 4,000 kilos of cocaine from Guatemala, Honduras, Ecuador, Colombia, Venezuela, Tortola, Antigua, and the British Virgin Islands to Puerto Rico using planes and luxury cruisers.

As part of their operation, this network had an agreement with FARC where the narco-guerillas received $1,000 for every kilo of cocaine that was transported to the Valle de Apure in Venezuela. Once the cocaine was on Venezuelan soil, the group would ship it via airplane to Caribbean waters, where the drugs were picked up by luxury ships bound for Puerto Rico. The majority of the cocaine was sent to Miami and New York. We cannot allow this threat to take hold along the U.S.-Caribbean Border, where drug-trafficking networks already have a clearly established supply chain to the States. Because God forbid, this established network could be bought for the right price and used to bring in terrorists that can harm or kill American citizens, we must act with greater urgency.

Up to now, the Federal Government's domestic efforts have focused on securing the Southwest and the Northern Border. As these efforts yield results, trafficking is inevitably being pushed back to other points of entry, including the well-known Caribbean drug transshipment routes that were so prominent in the 1980s. In the absence of any significant Federal law enforcement surge along the U.S.-Caribbean Border, the unintended consequence has been

an increase in the vulnerability of both U.S. territories to the drug trade. The impact the drug trade is having on the levels of violence in Puerto Rico and USVI are disproportionately high even when compared to the Southwest Border States. That violence is impacting U.S. citizens in our Territories who deserve the same protection from the Federal Government as their family members who live in Texas, California, New York, Florida, or any State of the Union. Yet Puerto Rico and the USVI were barely mentioned in the annual National Drug Control Strategy.

To make matters worse, Puerto Rico and the USVI are not including in a number of critical Federal data sources on drug use and crime. This is vital data for the National Drug Control Strategy and for measuring the effectiveness of drug control programs. So why was Puerto Rico excluded from over 50 percent of the surveys, studies, data sets, reports, and programs in the 2011 National Drug Control Strategy Data Supplement? The exclusion contradicts Federal reports that performance statistics on the islands were outstanding. It appears that Federal officials in Washington are selectively including us when it benefits them, while excluding us when it tarnishes any National statistics. But let us not fool ourselves. By excluding Puerto Rico and the USVI, the Federal Government does a disservice to the U.S. citizens they have sworn to serve and protect. They deny us vital Federal resources, making it convenient for policymakers to ignore the deeper challenges we face. Vacancies at essential Federal law enforcement agencies are a key challenge we face. According to the information provided by the agencies themselves, DEA has a vacancy rate of 12 percent and ICE has a vacancy rate of 15 percent, and ATF has a staggering vacancy rate of 39 percent. An insufficient number of CBP agents are available to patrol the eastern coast of the island, which has been a growing target for traffickers. It is hard to imagine Mayor Michael Bloomberg allowing the New York Police Department to have a 39 percent vacancy rate on New Year's Eve, yet that is exactly what is happening in Puerto Rico. We are short of Federal agents during the busiest time of the year. Ask yourselves, does this feeble effort represent the Federal Government's commitment to National security? Does this accurately reflect the challenges we face in helping to defend this Nation? Why does Puerto Rico receive less Federal funding for law enforcement purposes than State-side jurisdictions? Why in the Attorney General's multiple visits to the Caribbean he has not once visited Puerto Rico? Again, there are 3.7 million American citizens in Puerto Rico. They deserve his attention. They deserve your attention. They will always have my attention.

We may not have a vote here, but I need you to hear our voices. We cannot afford to have the U.S.-Caribbean Border underprotected. The security risk is too great, and the consequences too severe. The Government of Puerto Rico is doing everything it can to increase public safety, but it is a National security issue that must be confronted. We simply cannot do it alone. Unless Washington acts, these criminal organizations will only strengthen their foothold in the region.

I have repeatedly called on the President and senior Federal law enforcement officers to establish a U.S.-Caribbean Border Initiative

to be led by the White House and the Office of National Drug Control Policy. All I am seeking from the Federal Government is the same level of commitment that has been provided to combat the drug trade along the Southwest and the Northern Borders. This is not about funding a program. This is about saving American lives. I refuse to bury another one of my constituents knowing that the Federal Government considers itself another bystander. That is not good enough for me, and it is not good enough for my constituents. I have to look into the thousands of faces of families who have lost loved ones on account of drug violence. We all know someone personally who has lost a loved one due to these unforgivable acts. I will not allow these Americans to die unnoticed, and neither should you. You may not listen to me, but at least listen to the stories of victims who perished far too soon: Sisters losing their brothers, children losing their moms, even fathers and mothers losing their sons, like Luis and Marie Rodriguez Romero. It is a tragedy whenever a child buries a parent, but it is against humanity when a parent must bury a child. Enough is enough.

We must bolster resources, funding, and staffing of Federal law enforcement agencies throughout Puerto Rico that remain understaffed and underfunded compared to their State-side counterparts. We must fill Federal agency vacancies. We must ensure that Customs and Border Protection has the resources to inspect cargo at Puerto Rico's ports and patrol our borders. We must provide on-the-ground assistance to train Puerto Rico Police to deal with the security challenges created by transnational criminal organizations operating in the region. We must ensure Puerto Rico is included in National border security and drug trafficking strategies. Right now, Puerto Rico is serving as the last line of defense. We need help fighting this battle along the Caribbean Border to protect U.S. citizens there being buffeted by violence and to prevent the fight from spreading further onto the streets of the U.S. mainland. We cannot win without the active involvement of the Federal Government to secure all of our Nation's borders. Our constituents deserve and expect no less. Thank you, Mr. Chairman and distinguished Members of the committee for having me here today. I will be happy to answer any questions you may have.

[The statement of Governor Fortuño follows:]

PREPARED STATEMENT OF HON. LUIS G. FORTUÑO

JUNE 21, 2012

WELCOME

Chairman McCaul, Ranking Member Keating, and distinguished Members of the subcommittee, I appear before you today to address the building National security threat posed by transnational drug-trafficking organizations infiltrating our country and endangering the safety of over 4 million U.S. citizens living along the U.S.-Caribbean Border.

I would like to thank Chairman McCaul for his leadership in calling this hearing and bringing attention to this growing security challenge that has been overlooked in Washington for too long. Because as you well understand, Mr. Chairman, this is not just about the safety and security of the U.S. citizens of Puerto Rico and the U.S. Virgin Islands, but also intricately linked to the safety of U.S. citizens throughout the mainland.

CURRENT SITUATION

Today, Puerto Rico is serving as the first line of defense in the Caribbean to prevent drugs and violence from reaching the U.S. mainland. Drug trafficking cartels operating from Colombia and through transit countries like Venezuela and the Dominican Republic are sparking a battle for drug turf in Puerto Rico and unleashing a brutal wave of violence in their wake.

Let me paint a picture of what we are facing. Last year, at a mall just outside of San Juan, a violent conflict between two drug dealers over the control of nearby drug retail points resulted in a bloody shooting that left one of the dealers dead and several innocent bystanders wounded.

At 5 o'clock in the afternoon, in the middle of the food court crowded with dozens of adults and children, 21-year-old Luis Daniel Valdez Meléndez opened fire, shooting rival Emmanuel "Manny" Zapata Cazo, 22 years old, nine times in the head and torso with a .40 caliber handgun.

Several in the crowd were struck by stray bullets during the melee. One of the victims was a 14-year-old girl, a ninth-grade high-school student who later testified at the shooter's trial. She had arrived at the mall with her grandfather and a friend from school, and was waiting in the food court to meet up with her brother.

A mother, who was in the food court as well with her 7-year-old child, was struck and rushed to the hospital for, thankfully, life-saving medical care.

After the shooting, the perpetrator fled the scene and Puerto Rico. In July, he was extradited from the State of New York where he had fled, was tried and convicted and is now serving a 199-year sentence for first-degree murder.

What stands out starkly is the callous audacity of this crime—committed at a crowded mall with dozens of witnesses, with the play-by-play caught on security cameras, and absolutely no thought given to the innocent.

Unfortunately, this is but one example of the blatant and unbridled drug-related violence that is happening on U.S. soil right now and threatening the lives of over 4 million U.S. citizens residing in Puerto Rico and the U.S. Virgin Islands.

The U.S. Caribbean territories of Puerto Rico and the U.S. Virgin Islands are America's Caribbean Border. Because of their geographic proximity to drug producing and drug transiting countries in South America and the Caribbean, notably Colombia, Venezuela and the Dominican Republic, the U.S.-Caribbean Border is increasingly being used as a transshipment zone, primarily for cocaine but also heroin, destined for mainland U.S. markets.

As a U.S. territory, once these drugs enter Puerto Rico, they are easily delivered to the States, through commercial airlines and container ships, without having to clear Customs or other heightened scrutiny.

An estimated 70 to 80 percent of the Colombian cocaine reaching Puerto Rico is then transshipped to U.S. cities across the Eastern Seaboard, from Florida to New York, according to local and Federal law enforcement authorities.

Puerto Rico is in turn a destination for illicit drug money and illegal firearms coming from the U.S. mainland to fortify drug trafficking networks. The latest High Intensity Drug Trafficking Area analysis reports that Puerto Rico has also become a money-laundering destination for large drug-trafficking organizations that place illegal proceeds into bank accounts in Puerto Rico and then funnel the money—via wire transfers—to accounts in Asia, Europe, and even the Middle East.

And recent ATF data confirms that illegal firearms used to commit crimes in Puerto Rico can be traced back to more than 20 States—with Florida, Texas, Georgia, and Ohio being the biggest-source States for 2011.

The transnational criminal organizations operating through Puerto Rico and the States pose an ever-changing threat and are quick to adapt in our global economy. The reality is that Federal and State law enforcement have not been able to keep pace with this agile and well-funded enemy. As a result, the U.S.-Caribbean Border is experiencing a dramatic upsurge in drug-related crime and violence.

While the U.S. homicide rate has declined substantially in recent decades, Puerto Rico is experiencing an extraordinary uptick in drug-related violence. In 2011, Puerto Rico had the highest number of murders in a single year in all of its history, with 1,136 murders for a population of approximately 3.7 million people. State law enforcement officials estimate that close to 80 percent of murders in Puerto Rico are related to the illegal drug trade.

This has driven Puerto Rico's murder rate to 6 times the National average and more than twice as high as any State. To put our figures in context, the Southwest Border State of Texas with 25 million residents had 1,246 homicides in 2010.

One of the factors escalating drug-related murders is the excess supply of cocaine that stays on the island in the transshipment process. This product is often received by local traffickers as in-kind payments for their role in the drug supply chain lead-

ing to lucrative State-side markets. This form of payment has acted as a catalyst for brutal competition to control local distribution markets.

As anyone who understands basic economics can tell you, once the Puerto Rico market reaches saturation, local distributors can either drop their prices to generate greater demand from their existing consumer base, or they can eliminate their competition and steal away their customers. Judging from the levels of trafficker-on-trafficker violence, these criminals are routinely using intimidation and violence to gain and retain control of local retail drug markets.

What is also alarming is the recent increase in the ruthlessness of these violent crimes and the rising incidents of innocent bystanders being caught in the crossfire. A horrific example of this is the well-known "Tombola Massacre," which occurred in October 2009. Members of a drug ring used rifles and automatic weapons to attack a rival trafficker at a nightclub in Toa Baja, Puerto Rico, leaving eight bystanders dead and more than 20 wounded.

These tragedies have not adversely affected Puerto Rico tourism, partially attributed to our State police dispatching additional officers to protect high tourism areas. But this situation has greatly tested our resolve. The government of Puerto Rico is doing everything within our limited jurisdiction and resources. But we cannot fight this war alone, nor should we be required to do so.

This is a shared responsibility. The consequences affect us all. Nearly 30 percent of the illegal drugs coming into the continental United States come through the Caribbean, making us as important a border from a defensive standpoint as the U.S.-Mexico Border.

While a strong contingent of Federal law enforcement resources have justifiably gone to the U.S.-Mexico Border, defenses along the U.S.-Caribbean Border have remained under-resourced. And highlighting the interconnected nature of this National security challenge, the pressure brought to bear along the U.S.-Mexico Border has resulted in traffickers increasingly using routes through the Caribbean.

Members of this committee are correct to be concerned about stopping drug trafficking in the Caribbean basin, as up to 80 percent of the cocaine coming through Puerto Rico reaches cities across the Eastern Seaboard.

This is truly a National security issue. The Federal Government must take responsibility for guaranteeing the safety and security of America's Caribbean Border, the more than 4 million U.S. citizens who live there, and the State-side communities impacted by the flow of drugs and the inevitable violence.

GOVERNMENT OF PUERTO RICO'S EFFORTS

Puerto Rico is facing many challenges, and we are showing real and genuine accountability to confront those challenges. As Governor, I refuse to shy away from making tough decisions that ultimately affect the safety and quality of life of my constituents. But I firmly believe the Federal Government must make an equally strong commitment. As a U.S. territory, we receive disproportionately less Federal funding for law enforcement efforts when compared to States with similar populations and fewer responsibilities affecting National security.

Similar to the fiscal challenges we face at the Federal level, Puerto Rico has faced significant deficit and budget challenges. I have made it clear to my entire team that everyone is expected to create a more efficient, effective, and accountable government. And we have made great advances toward putting Puerto Rico on the right path. But when we dedicate all of the State-level resources to law enforcement, a sacrifice that we continue to make alone, it places too much of a burden on my constituents.

Since I took office in 2009, I have been working not only to address this very serious drug-trafficking problem and the violence against our citizens that it spawns, but also to bring about positive change in our State police and criminal justice system that have traditionally faced significant challenges due to years of underfunding, inefficiencies, lack of sufficient oversight, and administrative neglect.

PUERTO RICO POLICE

The government of Puerto Rico is implementing a comprehensive effort to improve the professionalization of the Puerto Rico Police, one of the Nation's largest police forces with approximately 17,000 officers. We are addressing the issue through multiple fronts, including training partnerships and enhancements for the local police force including purchasing new equipment, improving precinct conditions and increasing officer salaries, as well as improving access to modern communications and technology.

The reform process is focused on changing and improving the policies and practices of the Puerto Rico Police in all aspects of the organization's culture, operations,

structure, investigations, education, and services. The goal is to make the Puerto Rico Police a model for constitutional policing, and steady progress has been made and will continue toward that objective.

The U.S. Department of Justice's Civil Rights Division investigation into the Puerto Rico Police, which began before I took office, revealed brewing issues with our law enforcement. My predecessor regrettably ignored these violations, and it has taken time to make the improvements that I expect. But we have taken swift and decisive action to reform the State police. Without excuses or delays, we have assumed responsibility and initiated a full-fledged reform effort to not only help officers do their jobs better and within the framework of Constitutional policing, but to restore public confidence and trust in the police and the State justice system.

Toward this end, we established an independent monitor for the Puerto Rico Police that evaluated the policies, procedures, and practices of the department; we've created a Reform and Compliance Committee; and we established a new use-of-force policy and have trained over 14,000 officers in that policy. We have worked to improve and expand officer training at our Police Academy for both new recruits and veteran officers, and we've improved officer supervision, instituting a performance- and testing-based promotion system.

I appointed Hector Pesquera, who is here with me today, as the new Superintendent of the Puerto Rico Police. Superintendent Pesquera is uniquely qualified to lead the reform efforts. He began his successful 27-year career with the FBI as an agent in Puerto Rico and has come back to Puerto Rico to help combat crime and strengthen collaboration between the police, local communities, and the Federal Government.

To help empower our citizens, we partnered with a local non-profit called, "Basta Ya," which means "Enough is Enough." "Basta Ya," was founded by Luis and Marie Rodriguez Romero, who lost their son just over a year ago because of a violent crime. This family has led by the powerful example of turning their personal tragedy into a community effort to help the police fight violent crime.

"Basta Ya" developed a service for people to anonymously file police reports, using on-line resources and mobile applications. This collaboration with individual communities has helped our police gather valuable intelligence in locating the scene of a crime and apprehending criminals.

My administration has expended considerable resources to reform and strengthen the police by bringing in a multi-disciplinary team of experts in law enforcement and proper policing practices. This team has been working for the past 2 years to

provide improved protocols and training to benefit both the police and the communities they serve. We are making real progress in terms of improving our police department, which we believe is a moral imperative to which my administration is fully committed.

But keep in mind that the Puerto Rico Police is operating at a significant disadvantage when compared to many State-side police departments. For example, the total annual budget of the Puerto Rico Police, 17,000 officers serving 3.7 million constituents, is approximately $800 million. In comparison, the Broward County Sheriff's Office in Florida, with 3,000 officers serving 1.7 million constituents, has an annual budget of approximately $700 million.

SPECIFIC EFFORTS ON DRUG TRAFFICKING AND BORDER PROTECTION

To directly attack the drug problem and assist in protecting our borders, my administration has established several significant State-level initiatives. The first initiative is called the "Strike the Drugpoint" (Golpe al Punto), which is a joint operation led by the Puerto Rico Police in conjunction with 33 prosecutors from the Puerto Rico Department of Justice's Organized Crime Unit. This "state strike force" has dismantled 741 drug retail points throughout Puerto Rico, obtaining very high conviction rates.

To help rehabilitate those addicts who are identified during these operations, we formed another strike force, called "Helping the User."

We have also gone after the drug trafficking networks supply chain. Our "Strike the Supplier" force allows State law enforcement officials to actively investigate and reduce the amount of drugs and weapons entering our harbors and airports. Our "Group of 100" initiative is comprised of officers with specialized knowledge and equipment related to narcotics, highway patrols, vehicle theft, and tactical operations. The multidisciplinary units work collaboratively to identify, investigate, disrupt, and dismantle drug retail points.

We also instituted a cargo container scanning and inspection program to identify contraband, drugs, and weapons entering our territory illegally through our maritime ports. In-bound domestic cargo containers are scanned with rapid X-ray technology in dedicated truck lanes before they leave the port and enter the "stream of commerce" on our streets.

After much effort, we recently reached an agreement with U.S. Customs and Border Protection that will allow us to expand our port security program to include scanning of in-bound international cargo. This effort is essential, given that a significant amount of Puerto Rico's interstate and international commerce takes place using maritime transportation.

After just 1 year of implementing our program, we are now scanning more than 90 percent of in-bound cargo containers arriving at the Port of San Juan, the Island's largest shipping port, with a goal of scanning up to 100 percent of inbound cargo by later this summer.

TREATMENT AND PREVENTION EFFORTS

While these border security measures have been essential, I realize that we cannot arrest our way out of this problem. That's why my administration is also implementing treatment and prevention services to reduce the threats that these dangerous drugs pose on our people. My administration has partnered with many nonprofits to treat as many drug abusers and addicts as possible.

On the prevention side, we have implemented a CeaseFire pilot program in Puerto Rico called Acuerdos de Paz. The CeaseFire model, which has been used successfully in major metropolitan areas such as Chicago, has been successfully adapted to help treat drug addicts and criminals. CeaseFire creates a neighborhood-by-neighborhood strategy to end the cycle of violence and restore peace. Community leaders and local citizens learn how to partner with our public safety leaders and become first responders. We always know what's happening in our neighborhoods—now we can actually do something about it. It's the first step toward taking back our streets.

As an Island, we need to be more effective as first responders within our communities. We must prevent violent acts from occurring. We must identify the people who are most vulnerable. In many disadvantaged areas of Puerto Rico, no different than in many of your districts, gangs are brainwashing our children, leading them down a deadly path. We have a responsibility to rescue our children from the deadly influence of gang violence. We need to give our children the positive influences they need to become responsible citizens. CeaseFire is not only teaching responsibility, it is saving lives.

We also launched a youth-focused initiative called Value Your Life (Valora Tu Vida), led by the Puerto Rico Department of Justice and providing at-risk youth

with workshops and facilitated dialogues with both reformed convicts and victims of crime. The goal is to strengthen these young people's value of both their own lives and the lives of others, and increase their commitment to ethical behavior.

We have also worked with the renowned Josephson Institute of Ethics to adapt and implement the Character Counts program throughout our public schools. It's an opportunity to underscore the values we want to pass on to our children, and it is seamlessly integrated into school curriculums and learning environments. We have already seen a noticeable reduction in bullying, fighting, and dropouts, as well as an improvement in academic performance. That is real progress. That is something that every Puerto Rican family should be proud of. After all, we're in this together.

LOCAL EFFORTS MAKING A DIFFERENCE

Through the collaboration of government as well as community and faith-based organizations, we implemented the most successful weapons amnesty program in Puerto Rico's history. In a period of just 90 days, 1,966 illegal firearms and 100,129 rounds of ammunition were taken off our streets.

With entire communities working together, we proved that you can get weapons off the streets and out of the hands of those considering a life of crime. I am proud of their decision. And for those who did not surrender their weapons, we will not allow them to threaten our quality of life. Our police officers are working closely with every community, so that we can all take responsibility in protecting our neighborhoods.

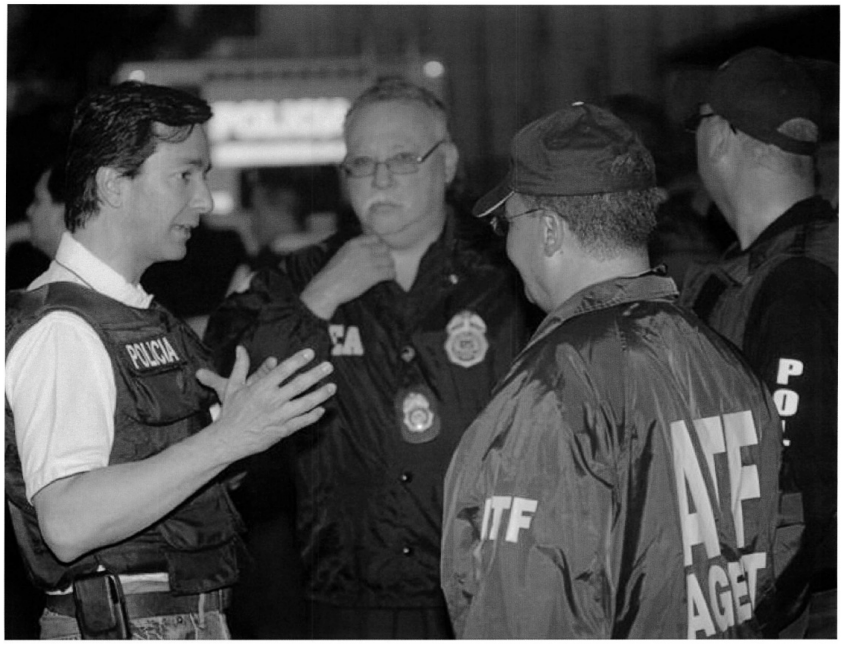
Puerto Ricans will continue to show strength on public safety during a referendum this August. We hope to amend our territorial Constitution to limit suspected criminals from being released on bail. This provision would apply to all suspects accused of committing premeditated murder, as well as murder that involves stalking, home robbery, kidnapping, sexual assault, firing a weapon in public or from a moving vehicle, and when the victim is an officer on duty. Passing this amendment will address the Achilles heel of Puerto Rico's criminal justice system, which for decades has allowed violent criminals who have been arrested on murder charges to walk right back out onto the streets and kill more innocent civilians, including potential witnesses. This situation is simply unacceptable. And I plan to do everything I can to support this referendum, in order to better protect Puerto Rican families.

COLLABORATION WITH FEDERAL AUTHORITIES

Since coming into office, my administration has worked hard to re-establish and improve relationships between State and Federal law enforcement agencies. I have personally hosted regular meetings to bring together Federal and State law enforcement leadership on the Island, and we have the success stories to prove that this partnership can work.

The first big breakthrough was in February 2010 with the signing of a Memorandum of Understanding (MOU) between the U.S. District Attorney's Office, the Puerto Rico Department of Justice, and the Puerto Rico Police on the referral and handling of cases involving concurrent State and Federal jurisdiction. This MOU laid the foundation for the investigative and prosecutorial responsibilities in a range of drug trafficking and violent crime cases.

Puerto Rico has also detailed over 260 State police officers to work directly in Federal law enforcement agencies through joint task forces, with officers detailed to the FBI, DEA, ATF, ICE, CBP–Air and Marine, TSA, U.S. Marshalls, U.S. Postal Inspector, IRS, and other Federal agencies.



We also worked with Federal authorities to create an "Illegal Firearms and Violent Crime Strike Force" that operates in five of the Island's 13 police regions. As of this May, the strike force has already yielded 336 arrests of which 314 suspects were being detained without bail. This is in large part responsible for the over 20% reduction in murders this year over last for the zones covered by the agreement.

The proof of the success of these joint Federal/State task forces is in the statistics. In 2011 alone, the task forces arrested over 1,800 individuals of whom more than 170 were illegal immigrants. They also seized close to $95 million in illegal drugs, over 800 illegal firearms and 5,000 rounds of ammunition, and over $27 million in vehicles, boats, airplanes and real estate being used by criminal networks.

Other joint operations include the Puerto Rico National Guard's (PRNG) Counterdrug Program, which is funded by the Department of Defense through the National Guard Counter-Drug Program. The PRNG dedicates approximately 76 guardsmen to the program from its Army and Air units. These soldiers and airmen work to operate the fixed radar system and receive data feeds from the mobile radars and the Radar Over the Horizon (ROTHR).

The PRNG has also provided support to U.S. Counterdrug efforts in the Dominican Republic and Honduras, nations that are part of the U.S.-sponsored Central American Regional Security Initiative (CARSI) and the Caribbean Basin Security

Initiative (CBSI), through which the Federal Government has provided over $360 million and $139 million respectively in foreign assistance.

Our PRNG forces are more than willing to do their part to support National security efforts in other States and abroad. But given the level of drug-related crime in our own territory, it is difficult to understand why the Federal Government leadership would not ensure their agencies on the Island have the needed resources.

CHALLENGES FACING FEDERAL AUTHORITIES IN PR

We have collaborated successfully with Federal law enforcement officials in Puerto Rico. They have performed exceptionally under very challenging circumstances. They are often doing their work with fewer resources, less manpower, less funding, and less strategic support from Federal law enforcement officials in Washington than their counterparts in other U.S. jurisdictions. While I applaud their perseverance, they lack the appropriate resources to overcome the homeland security threats that pervade this Nation, including in our U.S. territories. That's the primary role of the Federal Government. Yet, it is clear that over 4 million U.S. citizens in the Caribbean territories are being left under-protected.

We have observed that there is a clear mismatch between the level of drug-related violence occurring along the U.S.-Caribbean Border and the size and scope of the Federal response. When American lives are in danger, we have a moral obligation to protect them wherever they may be. I know that you share my belief. And I need your commitment to act on this principle. Unfortunately, the limited attention and leadership from Washington's Federal law enforcement agencies suggests that Puerto Rico and USVI are lower priorities.

We're not just talking about the value of life. We're talking about American lives. Puerto Ricans have fought and died for this country in many wars. We take that honor seriously. And we expect the same principle that compels us to fight for this Nation will also persuade Federal law enforcement officials to aid their fellow Americans in Puerto Rico.

This lack of sufficient attention is most blatantly evidenced by the absence of any kind of comprehensive interagency strategy by the Federal Government to counteract the drug violence and National security threats these criminal networks generate along the U.S.-Caribbean Border. Threats that range from laundering illicit drug proceeds to trafficking of illegal weapons. Threats that involve other criminal enterprises such as human trafficking, prostitution, identity fraud, and financial crimes. All these crimes chip away at our Nation's security and undermine the safety of our citizens.

Even worse, we know some of the drug trafficking organizations operating through Puerto Rico have had ties to narco-guerilla organizations, such as the Revolutionary Armed Forces of Colombia (or FARC), which has been known to demand payments from trafficker networks in exchange for help transporting drugs from Colombia to Venezuela on their way to Puerto Rico and then the States. These are the same narco-guerillas that the Federal Government has sought to defeat by investing close to $8 billion in foreign assistance through Plan Colombia, a decade-long effort to help the Colombian government in its fight against drug producers and traffickers.

In a recent example, the Drug Enforcement Administration (DEA) dismantled a well-oiled distribution chain that between 2006 and 2011 moved close to 4,000 kilos of cocaine from Guatemala, Honduras, Ecuador, Colombia, Venezuela, Tortola, Antigua, and the British Virgin Islands to Puerto Rico using planes and luxury cruisers. As part of their operation, this network had an agreement with the 10th division of the Colombian leftists guerrilla group FARC where the narco-guerrillas received $1,000 for every kilo of cocaine that was transported to the Valle de Apure in Venezuela.

Once the cocaine was on Venezuelan soil, the group would ship it via airplane to waters close to Tortola and Antigua, where the drugs were dropped and picked up by luxury ships bound for Puerto Rico. According to the charges, some cocaine remained in Puerto Rico while the majority was sent to Miami and New York.

As William F. Wechsler, Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats, affirmed in a recent irregular warfare summit sponsored by the Institute for Defense and Government Advancement, the convergence of crime, terrorism, and insurgency and its threat to U.S. National security is a growing concern for the Defense Department.

In 2011, President Barack Obama issued a Strategy to Combat Transnational Organized Crime declaring these organizations a National security threat. The strategy also noted the complex and in some places opaque relationships developed among criminal organizations, terrorist groups, and insurgent movements, which

points to the likelihood that more terrorist organizations are using criminal mechanisms to support themselves and more criminal organizations are using the tactics of terrorist organizations. As Director of National Intelligence James Clapper recently testified, "terrorists and insurgents will increasingly turn to crime and criminal networks for funding and logistics, in part because of U.S. and Western success in attacking other sources of their funding."

We cannot allow this threat to take hold along the U.S.-Caribbean Border where drug trafficking networks already have a clearly established supply chain to the States. Because God forbid, this established network could be bought for the right price and used to bring in terrorists that can harm or kill American citizens. We must act with greater urgency.

Up to now, the Federal Government's domestic efforts have focused on securing the Southwest and Northern Border by surging manpower, technology, and resources. This is completely necessary given the U.S.-Mexico Border serves as a primary point of entry for illegal drugs and immigrants into the United States, and the Northern Border is one of the longest continuous borders in the world. These domestic efforts have been complemented by U.S. foreign policy initiatives with the investment of billions of dollars in foreign assistance to Mexico, Central America, and Caribbean nations, through the Merida Initiative, the Central American Regional Security Initiative (CARSI), and the Caribbean Border Security Initiative (CBSI). More than $1.6 billion has been appropriated for the Merida Initiative alone. However, as these efforts yield results, making it harder and costlier for drug-trafficking organizations to use the Southwest Border, this inevitably pushes traffic back to other points of entry, including the well-known Caribbean drug transshipment routes that were so prominent in the 1980s.

The unintended consequence of these U.S. domestic and foreign policies is that, in the absence of any significant Federal law enforcement surge along the U.S.-Caribbean Border, there has been an increase in the vulnerability of both territories to the pressures of the drug trade and transnational criminal organizations.

The impact that those drugs are having on the levels of violence in Puerto Rico and USVI are disproportionately high even when compared to the Southwest Border States. That violence is impacting U.S. citizens in our territories who deserve the same protection from the Federal Government as their family members who live in Texas, California, New York, Florida, or any other State of the Union.

Yet Puerto Rico and the USVI are barely mentioned in the annual National Drug Control Strategy produced by the White House's Office of National Drug Control Policy (ONDCP). To make matters worse, when we were included in this year's strategy, it was one passing mention in a section on the Caribbean Basin Security Initiative (CBSI), a foreign assistance program which Puerto Rico, as a U.S. jurisdiction, is not even eligible to participate.

Further, Puerto Rico and USVI are not included in a variety of critical Federal data sources on drug use and crime, most notably the National Survey on Drug Use and Health. This is a critical oversight, given this data is used to develop the National Drug Control Strategy, and to measure the effectiveness of drug control programs. So why was Puerto Rico excluded from over 50% of the surveys, studies, data sets, reports, and programs included in the 2011 National Drug Control Strategy Data Supplement? The exclusion contradicts Federal reports that performance statistics on the Island were outstanding.

It appears that Federal officials in Washington are selectively including us when it benefits them while excluding us when it tarnishes any National statistics.

But let us not fool ourselves. By excluding Puerto Rico and the USVI from these National statistics, the National Drug Control Strategy, and other plans, the Federal Government does a disservice to the U.S. citizens they have sworn to serve and protect. They deny us vital Federal resources, making it convenient for policymakers to ignore the deeper challenges we face.

It's also become clear that Federal law enforcement agencies in Puerto Rico lack sufficient aircraft and maritime units. The Coast Guard currently does not have any fixed-wing coastal patrol airplanes permanently stationed in Puerto Rico. Although fixed-wing aircraft stationed in neighboring regions are used for interdiction missions in Puerto Rico, these aircraft cannot respond quickly to incidents in Puerto Rico.

One of the significant challenges we face is vacancies in key Federal law enforcement agencies on the Island. The number of authorized positions is too low, and the number of vacancies at those agencies is too high. According to information provided by the agencies themselves, ATF has a vacancy rate of 39%, DEA has a vacancy rate of 12%, and ICE has a vacancy rate of 15%. And we have been advised that due to lack of personnel, an insufficient number of CBP agents are available to patrol the eastern coast of the Island, which has been a growing target for traffickers.

These are just some examples of what appears to be a pattern of neglect by top-level Federal authorities.

WHAT CAN FEDERAL AUTHORITIES DO TO SECURE THE U.S.-CARIBBEAN BORDER?

The Government of Puerto Rico is doing everything it can to increase public safety but this is a National security issue that must be confronted.

We simply cannot do it alone. Unless Washington acts, these criminal organizations will only strengthen their foothold in the region.

I have repeatedly called on the President and senior Federal law enforcement officials to establish a U.S.-Caribbean Border Initiative to be led by the White House and the Office of National Drug Control Policy. All I am seeking from the Federal Government is the same level of commitment that has been provided to combat the drug trade along the Southwest and Northern Borders.

We must bolster resources, funding, and staffing of Federal law enforcement agencies throughout Puerto Rico that remain under-staffed and under-funded compared to their State-side counterparts.

We must fill Federal agency vacancies.

We must ensure the Customs and Border Protection has the resources to carry out cargo container scanning at Puerto Rico's ports and to patrol our borders.

We must provide on-the-ground assistance to train Puerto Rico Police to deal with the security challenges created by transnational criminal organizations operating in the region.

We must ensure Puerto Rico is included in National border security and drug trafficking strategies.

Right now, Puerto Rico is serving on the front lines. We need help fighting this battle along the Caribbean Border, to protect the U.S. citizens there being buffeted by violence and to prevent the fight from spreading further onto the streets of the U.S. mainland.

We cannot win without the active involvement of the Federal Government to secure all of our Nation's borders. Our constituents deserve and expect no less.

Thank you, Mr. Chairman, and distinguished Members of the committee for having me here today. I would be happy to answer any questions you may have.

Mr. MCCAUL. Thank you, Governor, for your strong leadership on this issue. Thank you for calling this important issue to the attention of this committee. I think it is an area that has been overlooked by the Federal Government, as you have eloquently pointed out.

I wanted to ask you the question, I know you have met or talked to the President. I know you have met with Secretary Napolitano, Attorney General Holder. When asked earlier this month, the Attorney General was asked why the Office of National Drug Control Policy has a Southwest and Northern Border Counternarcotics Strategy but does not have a Caribbean Border Strategy, his response to that was when one looks at the Caribbean, Puerto Rico, in particular, I think we need a strategy. So my question to you is: What is the Federal strategy for the Caribbean region?

Governor FORTUÑO. At this very moment, as far as we see it, our State law enforcement agencies are working very closely together with the local offices of those Federal agencies. But there is no strategy. At this very moment, actually, that is exactly what we are asking, that there be a strategy so that all the resources, existing resources could be brought to bear to protect what we have called America's Caribbean Border. It affects American citizens residing both in Puerto Rico and the U.S. Virgin Islands, but it also affects every American in every city across America. What we are asking is that there be a comprehensive interagency strategy for the U.S.-Caribbean Border Initiative, and that this—actually, this will bring and bolster resources, funding, and staffing of Federal law enforcement agencies throughout the region, which are at this moment, as I mentioned earlier, understaffed, and also will allow us and en-

sure that Puerto Rico and the U.S. Virgin Islands are included in any border security and drug-trafficking initiatives that at this very moment we are not.

Actually, I will go even further. At this moment, the Nation has a strategy in the Caribbean with foreign countries. Since both the USVI and Puerto Rico are part of the United States, we are excluded from that strategy and those meetings. By the same token, there is a strategy for the Southwest and the Northern Borders, but none for the Caribbean Border. Thus, at this very moment, we fell between the cracks, and we are nowhere to be found.

Mr. MCCAUL. So as I understand it, we have a strategy for the Northern and Southern Borders, but not for what I call the third border, and that is the Caribbean. There is no Federal strategy.

Governor FORTUÑO. Exactly.

Mr. MCCAUL. I know you have come forward with a plan of your own in terms of creating one. What would be your top priorities in that type of strategy and that plan?

Governor FORTUÑO. Well, first of all, we need to identify existing resources and be able to create a comprehensive interagency strategy for the region that includes and encompasses both the U.S. Virgin Islands and Puerto Rico.

Mr. MCCAUL. We talk about resources. These are obviously tough budgetary times, but this is such a critical area. We have seen a 30 percent increase in narcotics coming through this region as we seal the Southern Border, and we are seeing an increase of this flow of trafficking, and yet as you stated, there is no Federal strategy. What would you need and what needs to be done in terms of shifting a focus of resources to Puerto Rico and to the rest of the Caribbean?

Governor FORTUÑO. This would entail protecting our coasts. In the case of just Puerto Rico, we have over 300 miles of coast that has to be protected. As I mentioned earlier, we are doing what we need to do in terms of all the cargo coming in. We are handling at this moment 92 percent of the domestic cargo, with reviewing everything that is in those containers. We have just entered into an agreement with CBP to be able to also inspect international cargo. We must make sure that CBP indeed has the resources, working alongside with us, to be able to handle that. Otherwise, we will provide the resources. We don't have a problem with that. Second, we need the resources to protect our coastline. That will require, for example, fixed wing airplanes that at this moment operate out of Florida, but have to cover the Caribbean, which makes little sense, and vessels as well. The eastern side of Puerto Rico at this very moment, which is the closest to the USVI, does not have a vessel, a Coast Guard vessel, permanently operating in that area. We have seen an upsurge in not just drug trafficking in the region, but of drug-related violence as well.

Actually, I mentioned one of our joint strike forces with the Federal Government encompasses working on illegal crimes, and actually violent crimes with illegal arms. We are expanding that initiative to two eastern sectors or regions, police regions because of the upsurge we have noticed in drug trafficking and violence in that part of the island.

Mr. MCCAUL. I close just by saying Puerto Rico is part of the United States. These are American citizens. I believe that the Federal Government needs to do a better job protecting them. With that, my time has expired. I now recognize the Ranking Member.

Mr. KEATING. Thank you, Governor, for your testimony. You mentioned in your testimony the origination points of some of the drugs that come to Puerto Rico. You mentioned the Colombia and Venezuela area. As you know, Venezuela in particular does not allow U.S. Customs to examine baggage, cargo, airplane passengers, and other things. How is Puerto Rico affected by Venezuela's refusal to protect global passengers, given the fact that it is indeed, as you mentioned, that region is a major drug origination point?

Governor FORTUÑO. That is an excellent question, because indeed, we have seen a lot of the drug trafficking coming from cocaine-producing countries coming through Venezuela and the Dominican Republic. In the case of Venezuela, to the extent that there is no cooperation between our Federal Government and that government, we do have a problem. It is imperative that, to the extent that we can, we do something about it.

Short of that, however, then what we need is to protect our coastline, both in the case of Puerto Rico and the U.S. Virgin Islands, because we know that there are speed boats and small planes dropping some of that cocaine in our region. It is actually creating a level of violence that we had not seen ever.

Mr. KEATING. Thank you, Governor.

The Puerto Rican Trust Fund is one income source that is available without need of Congressional appropriations. The fund has certainly taken a drop. It dropped from 2010 to 2011, collections dropped from $95 million to just $65 million. One of the results of that was the closure of the CBP office in Puerto Rico. So is there any mechanism of oversight, or is there any way that you are planning to try and restore or supplement those funds?

Governor FORTUÑO. Let me tell you, we are all facing tremendous fiscal challenges, both at the Federal level and the State level. I recognize that. I must tell you that part of the trust fund is supposed to be used by local police forces. We have, given the pressing needs for a greater presence at the Federal level in terms of policing and law enforcement, we have actually agreed to use some of the funding to be used by the Federal Government. It is something that may not be happening in other States. But in the case of Puerto Rico, this is our No. 1 priority. So we don't have a problem with utilizing the trust fund for those purposes, even if it is being used by the Federal Government as opposed to the State government.

Mr. KEATING. Is there any oversight or means of—what resulted in that decline, do you know in particular?

Governor FORTUÑO. Actually, there has been an upsurge in the number of seizures that we have jointly done in terms of assets, both real estate assets as well as other assets, like airplanes and boats and what have you, as well as cash. So I would not have an answer for that.

But I know at this very moment, our police superintendent has been—and our attorney general at the State level have been asking

questions of the Federal Government as to what is happening, and we haven't had any specific answers as of today.

Mr. KEATING. Governor, you mentioned some of the programs that I think really are at the root of dealing with things in terms of having people get a stake in the community because that is the way you deal with gangs, and that is the way you deal with drugs. So I commend you on those programs, and I commend the families.

You know, in my own State, when we went to change the laws and the statutes, it was the involvement of victims' families that moved things and moved things along, and I want to thank them for their presence here today.

With that, I will now yield back my time.

Mr. MCCAUL. Thank you.

The Chairman now recognizes the Ranking Member of the full committee, Mr. Thompson.

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

Again, Governor, welcome to the committee.

I don't think there is anyone on this committee who is not supportive of providing as many resources as we can humanly and fiscally support. I am concerned that CBP closed the Air and Marine Office in San Juan, and I am concerned that so much of the area around you, for lack of a better term, the assets are not there. The ones that we claim respond are so far away that many incidents are just, the interdictions don't occur because of that.

But I think the other issue for a lot of us, and I want you to explain it, there have been a number of reports about the improvements that you are making within the Puerto Rican Police Department. Explain that to the committee, please.

Governor FORTUÑO. By all means, and thank you for the opportunity certainly. When I came into office, none of us knew about the DOJ investigation. We found out a few months into our administration, but with no excuses at all or delays, we went to work. But what I did was I personally met with personnel from DOJ and asked them, you know, who would you hire if you were in my position to make sure that we indeed professionalize our police force and I implement adequate procedures? We hired those that they recommended. Ever since then, we have taken swift and decisive action indeed to start changing a culture that took decades to develop, for lack of proper training, I would say, and resources.

For example, I will give you an example. Use of force. We didn't have a use of force policy in the police force. We developed a use of force policy with the assistance of outside counsel as I mentioned earlier. We consulted with DOJ, and once we were on the same page on that one, this is before any report being issued by DOJ, we started training our police force. Today, almost will 15,000 of our police men and women have been already trained on the use of force.

Another topic that is very close to my heart is domestic violence. Now, at least we felt that our police force was not properly trained in dealing with that domestic violence, and perhaps many cases of domestic violence were going unreported because of that. So we, again, established a policy on that, and we have trained already over 2,000 police men and women of our force in all the regions of the island to make sure that they have, they are sensitive to these

cases, and we have also brought in the municipal police forces to assist us in this in addition to not-for-profit organizations that indeed are so helpful in these situations.

I could go on and on and on, but bottom line here is that there is a moral commitment that I have to indeed make sure that we provide Constitutional policing to our constituents at the same time that we provide needed, the needed resources for our constituents to feel safe at home.

The problem I have today is that no one feels safe at home unless we do more. We are working very closely with our sister agencies at the Federal level at the local offices level, but we don't feel that Washington has understood how serious the situation is. They need help. We need help as well.

Mr. THOMPSON. Thank you very much.

Mr. Chairman, I would like to enter into the record another report referencing the police department there that the Governor is working to improve.

Mr. MCCAUL. Without objection, so ordered.*

Mr. THOMPSON. I yield back the balance.

Mr. MCCAUL. The Chairman now recognizes the gentleman from Missouri, Mr. Long.

Mr. LONG. Thank you, Mr. Chairman, and I thank you, Governor, for being here and also the family of the victim. Really, really your presence here means a lot because it really helps when you put a name and a face to these stories. Statistics are statistics. You know when you sit here all day and talk about how many murders there are, but until you put a name and a face to them, it really doesn't have any teeth. It doesn't mean anything. So thank you for being here. I know it is not an easy thing to do.

Governor, when you talked directly to the President and directly to the Attorney General about these issues, a second ago in your last comment there, you said that the Government doesn't really understand the problem or acknowledge the problem. Were you talking one-on-one with the President, one-on-one with the Attorney General? Surely they understand it, so what do they tell you? Where is the big hang-up with giving you the help that you need?

Governor FORTUÑO. Congressman, I wish I knew. I—at the end of the day, at least in my town, we say that you demonstrate how committed you are to solving a problem by doing something about it. Nothing has been done about it. That is the bottom line here.

Mr. LONG. When did you start down this road, when did you first start asking, saying: Hey, guys, we got a problem here.

Governor FORTUÑO. My first year in office.

Mr. LONG. Which was 2009?

Governor FORTUÑO. Two-thousand-nine, exactly. My first meeting was with Secretary Napolitano. Then I met with Attorney General Eric Holder; his assistant attorney general, Lanny Breuer; Assistant Attorney General Laurie Robinson in November of that year as well. DEA, Director of Operations for DEA Tom Harrigan. November as well with vice commandant of the Coast Guard, David Pekoske. November of that year as well the director of the Office

*The document, "Island of Impunity: Puerto Rico's Outlaw Police Force," American Civil Liberties Union, has been retained in committee files and is available at *http://www.aclu.org/human-rights/island-impunity-puerto-ricos-outlaw-police-force*.

of National Drug Control Policy, even with the NYPD Commissioner Ray Kelly.

Then I went down the list. I met two or three times with the Attorney General. I met with the President, as mentioned before. Actually, if you wish, I could provide to the committee a list of not just the meetings since 2009, and Mr. Pierluisi has accompanied me in almost every one of those meetings, but also all of the correspondence that we have been sending since 2009 to the administration so that we proposed that we put together a task force back in 2009 to deal with America's Caribbean Border, and to this day, nothing has happened.

Mr. LONG. So you can't show us their responses because there have been no responses.

Governor FORTUÑO. None whatsoever, and I am not alone in this, and it is not just Governor de Jongh and I. I have not just all of the correspondence on the list of meetings. I have and I may submit for the record in the committee a letter that today eight Governors from the Nation's States are sending to the President asking for this type of commitment.

Mr. LONG. Do they give you no answers whatsoever? Do they say, we don't have the resources; you all have to take care of yourselves? Do they tell you anything?

Governor FORTUÑO. We have had very pleasant meetings and actually access to everyone within DOJ, for example.

Mr. LONG. But no answers.

Governor FORTUÑO. But there are no results. At the end of the day, there is nothing coming back other than you know planning the next meeting. We are, you know, at the end of the day, I need results. We all, again, we all have limited resources, but to the extent that we can work together—the example I have given as to what I do on a regular basis with the Federal agencies, I chair a regular meeting with other heads of the Federal agencies in Puerto Rico to make sure that we are working together. I go with them on raids at 5 in the morning into public housing projects, the poor part, what have you. I am there in the front lines because they deserve no less. They are risking their lives along with ours.

Mr. LONG. We have innocent people being killed daily——

Governor FORTUÑO. Indeed.

Mr. LONG. Like the family that is here today. It is repulsive that you can't get answers. I am sorry, but it is.

Governor FORTUÑO. They deserve an answer.

Mr. LONG. If they want to tell you, we don't have any money, we can't do it, that is one thing. Let us address that. But if you have got a problem, you have got to find a solution. Then you have got to build a path to that solution.

Governor FORTUÑO. Again, it is not because we are not trying. I have tried——

Mr. LONG. I know you are, and I am not getting on you, I am just saying in this town, I would say if you want to make a lot of money, just move to Washington and open a smoke-and-mirror shop and a rug-and-broom shop because all we do is sweep things under the rug here, but this is not something that should be swept under the rug. I am sorry.

I yield back.

Mr. MCCAUL. I thank the gentleman. Just a quick question. Have you received any responses from these letters that you sent?

Governor FORTUÑO. I do. I have received them, and I will be happy to share the responses, but at the end of the day, they are not responsive in the sense that we plan—am planning the next meeting and what we should do. That is why I brought to the attention of the committee, and I thank you all for you being here this morning because at the end of the day, I respond to my constituents.

Mr. MCCAUL. If there is no objection, I would like to submit those letters into the record.

Without objection.

[The information follows:]

TIMELINE FOR GOVERNOR LUIS FORTUÑO'S MEETINGS WITH: U.S. DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, CONGRESSIONAL MEMBERS, AND OTHERS—2009–2012

Date	Meetings With	Purpose
June 2009	Department of Homeland Security (DHS), Secretary Janet Napolitano.	To discuss the proposed Border Facilitation Pilot Program for Luis Muñoz Marin Airport and other issues of cooperation between DHS and local law enforcement.
October 2009	FEMA, Administrator Craig Fugate	To discuss FEMA's partnership with Puerto Rico, as well as the response to the explosions and fires that struck the island.
November 2009	Department of Justice (DOJ), Attorney General Eric Holder DOJ, Assistant Attorney General Lanny Breuer DOJ, Assistant Attorney General Laurie Robinson.	To discuss the need for increased collaboration between the Federal and territorial law enforcement agencies, and the need for additional resources, training, and assistance from the Federal Government to help local law enforcement combat the trends in crime.
November 2009	Drug Enforcement Agency (DEA), Director of Operations Thomas Harrigan.	To request for adequate resources in order to properly combat against crime on the island.
November 2009	Vice Commandant of the Coast Guard, David Pekowske.	To discuss the need for increased collaboration between the Federal and territorial law enforcement agencies, and the need for additional resources, training, and assistance from the Federal Government to help local law enforcement combat the trends in crime.
November 2009	Office of National Drug Control Policy (ONDCP), Director R. Gil Kerlikowski.	To discuss the need for increased collaboration between the Federal and territorial law enforcement agencies, and the need for additional resources, training, and assistance from the Federal Government to help local law enforcement combat the trends in crime.
October 2010	New York City Police, Commissioner Ray Kelly	To establish a collaborative partnership between the PRPD and the NYPD. Also, to discuss new training programs for Puerto Rico's police.
December 2010	DOJ, Attorney General Eric Holder and Associate Attorney General Thomas Perrelli.	To discuss police corruption arrests in October 2010 and police reform efforts.
January 2011	DOJ, Assistant Attorney General Thomas Perez	To discuss PR Police Reforms and the USDOJ Investigation.

TIMELINE FOR GOVERNOR LUIS FORTUÑO'S MEETINGS WITH: U.S. DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, CONGRESSIONAL MEMBERS, AND OTHERS—2009–2012—Continued

Date	Meetings With	Purpose
February 2011	DOJ, Assistant Attorney General Thomas Perrelli and various USDOJ divisions.	To discuss the efforts to reform and improve PR's law enforcement agencies and to express the need to these agencies for resources, training, and technical assistance.
June 2011	President Barack Obama (Puerto Rico)	To discuss various Federal issues impacting Puerto Rico including public safety and law enforcement concerns.
July 2011	Customs and Border Protection (CBP), Deputy Commissioner David Aguilar.	To discuss the need for increased coordination between CBP and local law enforcement as well as increased attention from CBP to issue of drug trafficking.
September 2011	DOJ, Assistant Attorney General Thomas Perez (Puerto Rico).	To discuss PR Police Reforms and the release of the USDOJ Civil Rights Division's report on the PR Police.
September 2011	DOJ, Assistant Attorney General Thomas Perez	To discuss follow-up to the USDOJ Civil Rights report on the PR Police.
September 2011	DOJ, Assistant Attorney General Thomas Perrelli	To discuss the on-going process with the Civil Rights Division and the President's Task Force on Puerto Rico's Status.
January 2012	U.S. Senator, Marco Rubio; Seventh Coast Guard District Commander, Rear Admiral William D. Baumgartner; Miami Dade County Commissioner, Rebecca Sosa.	A briefing on the U.S. Coast Guard's drug interdiction efforts. The briefing was provided by Rear Admiral Baumgartner, Commander of the Seventh Coast Guard District. The Admiral discussed the Coast Guard's readiness in South Florida and Puerto Rico as it relates to port security and counter-drug operations.
February 2012	Heritage Foundation	Provided a policy briefing on the challenges facing the U.S.-Caribbean Border, especially regarding increased drug trafficking and violence affecting U.S. citizens in the region.
February 2012	DHS, Assistant Secretary for IGA Betsy Markey (Puerto Rico).	To discuss the Public Safety and Law Enforcement Working Group of the President's Task Force.

February 2012	DOJ, Associate Attorney General Thomas Perrelli; White House, Director for the Domestic Policy Council Cecilia Muñoz; DHS, Deputy Secretary Jane Holl Lute; DHS, IGA Assistant Secretary Beth Markey; ONDCP, Director R. Gil Kerlikowske.	To discuss the challenges facing the U.S.-Caribbean Border regarding the increase in drug trafficking and violence affecting U.S. citizens in the region.
February 2012	DOJ, Deputy Attorney General James Cole	To discuss the challenges facing the U.S.-Caribbean Border regarding the increase in drug trafficking and violence affecting U.S. citizens in the region.
February 2012	CBP, Acting Commissioner David Aguilar	To discuss the challenges facing the U.S.-Caribbean Border regarding the increase in drug trafficking and violence affecting U.S. citizens in the region.
February 2012	U.S. Coast Guard, Director of Response Policy—Rear Admiral Cari Thomas.	To discuss the challenges facing the U.S.-Caribbean Border regarding the increase in drug trafficking and violence affecting U.S. citizens in the region.
June 2012	Joint Interagency Task Force South, Commander—Admiral Charles Michel; U.S. Attorney for the District of Puerto Rico, Rosa Emilia Rodríguez (Puerto Rico).	To discuss efforts made at the State and Federal levels to jointly combat drug trafficking in the Caribbean region of the United States.
June 2012	DEA, Director of Operations Thomas Harrigan; DEA—Puerto Rico Director Pedro J. Janer (Puerto Rico).	To discuss the joint efforts that are taking place between the Federal and local agencies of law and order in Puerto Rico.

TIMELINE ON LETTERS FROM GOVERNOR LUIS FORTUÑO TO: U.S. DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, CONGRESSIONAL MEMBERS, AND OTHERS—2010 TO 2012

Date	Sent To	Purpose of Letter
February 1, 2010	Department of Justice (DOJ) Attorney General, Eric H. Holder, Jr.	To recommend the establishment of a Federal law-enforcement inter-agency working group comprised of representatives from various departments and agencies. The group would assist PR in identifying potential funding, technical assistance and training, as well as to improve coordination across Federal agencies in order to help combat the serious-and-worsening crime problem on the island.

TIMELINE ON LETTERS FROM GOVERNOR LUIS FORTUÑO TO: U.S. DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, CONGRESSIONAL MEMBERS, AND OTHERS—2010 TO 2012—Continued

Date	Sent To	Purpose of Letter
October 19, 2010	DOJ Attorney General Eric H. Holder, Jr.	To express the need to reform the Puerto Rico Police Department (PRPD). As well as a meeting request with AG Holder to discuss how the PR government can cooperate with the DOJ in achieving the mutual goal of reforming the PRPD.
January 3, 2011	DOJ Attorney General Eric H. Holder, Jr.	To notify AG Holder of the newly-created Task Force by Governor Fortuño, that would focus on: Professionalizing the PRPD, reform the criminal justice & correction systems, and establish cooperative law enforcement efforts. The letter also seeks: Technical assistance, advice, recommendations, and resources in order to carry out these tasks.
July 19, 2011	U.S. Customs and Border Protection (CBP) Deputy Commissioner, David Aguilar.	To reiterate the importance of providing public safety for U.S. citizens in PR by protecting the U.S.-Caribbean Border. Also, to request additional resources to address the drug trafficking problem in PR.
January 11, 2012	DOJ Attorney General Eric H. Holder, Jr.	To express grave concerns about the continued increase in drug-related violence in PR and to again request the support and collaboration of the DOJ in combating this widespread problem.
January 11, 2012	Office of National Drug Control Policy, Director R. Gil Kerlikowski.	To express grave concerns about the continued increase in drug-related violence in PR and to again request the support and collaboration of this office in combating this widespread problem.
January 11, 2012	Secretary of Homeland Security (DHS), Janet Napolitano.	To express grave concerns about the continued increase in drug-related violence in PR and to again request the support and collaboration of DHS in combating this widespread problem.

January 18, 2012	DOJ Attorney General Eric H. Holder, Jr.	To request a DOJ official to serve on temporary assignment in the Office of the Governor, La Fortaleza. Puerto has been experiencing the worst violence wave in its history. Expertise is needed in order to properly assist the government with working on this serious issue.
January 31, 2012	CBP Deputy Commissioner, David Aguilar	To express grave concerns about the continued increase in drug-related violence taking place in PR and to again request CBP's support and collaboration in combating this widespread problem.
February 9, 2012	U.S. Senator, Marco Rubio	To thank Senator Rubio for arranging a Coast Guard briefing in Miami, and for his support and collaboration on a U.S.-Caribbean Border Security Initiative to overcome the crime and drug challenges facing PR.
February 9, 2012	Seventh Coast Guard District Commander, Rear Admiral William D. Baumgartner.	To thank rear Admiral Baumgartner for providing a Coast Guard briefing in Miami, and to request his input on a comprehensive U.S.-Caribbean Border Security Initiative effort to help address this region-wide crime and drug trafficking problem.
February 9, 2012	Miami Dade County Commissioner, Rebecca Sosa	To thank Commissioner Sosa, for her participation in the briefing held by the Seventh Coast Guard District Command on the U.S. Coast Guard's drug interdiction efforts and for helping highlight the growing threat that drug traffickers pose to the Nation.
February 9, 2012	Miami-Dade County Mayor, Carlos A. Gimenez	To thank Mayor Gimenez, for his participation in the Coast Guard briefing where they shared the important mission that the Miami command carries out every day to help protect citizens in both Puerto Rico and Florida.
March 30, 2012	White House: President's Task Force on Puerto Rico Co-Chair Cecilia Muñoz.	To urge the Task Force to consider developing a comprehensive U.S.-Caribbean Border Initiative similar to the efforts being deployed along the U.S. Southern and Northern Borders. Also, to express concern regarding the decrease in funding that PR/USVI HIDTA has experienced over the past few years.

TIMELINE ON LETTERS FROM GOVERNOR LUIS FORTUÑO TO: U.S. DEPARTMENT OF JUSTICE, DEPARTMENT OF HOMELAND SECURITY, CONGRESSIONAL MEMBERS, AND OTHERS—2010 TO 2012—Continued

Date	Sent To	Purpose of Letter
March 30, 2012	Office of National Drug Control Policy, Director R. Gil Kerlikowski.	To reiterate several concerns over: The exclusion of PR from the National Drug Contral Strategy, the need for a comprehensive U.S.-Caribbean Border Initiative, the request for PR to be included in the National Household Survey on Drug Use and Health administered by SAMHSA, and the decrease in funding for the PR/USVI HIDTA program.
April 20, 2012	CBP, Commissioner David Aguilar	To notify Commissioner Aguilar that the Government of PR incorporated the revisions to Puerto Rico Ports Authority Regulation No. 8067, recommended by CBP into an amendment approved on April 18, 2011. This regulation will allow both agencies to perform their duties and inspect all commercial cargo, domestic and international, that arrives at PR.
May 21, 2012	CBP, Commissioner David Aguilar	To reiterate several concerns and requests for assistance regarding the following topics: The need to re-assess the fiscal stability of the PR Trust Fund, the personnel vacancies at CBP and reduction in flight hours for the Caribbean Air & Marine Branch in PR, and the proposal for the implementation of a Border Facilitation Program at San Juan's International Airport.
May 23, 2012	Commander, U.S. Southern Command, General Douglas Fraser.	To request assistance in ensuring thar PR is included in the National strategy to address the threats of transnational drug and criminal organizations operating in the region.
May 24, 2012	Homeland Security Subcommittee on Oversight, Investigations, and Management, Chairman Michael McCaul.	To request that Chairman McCaul hold a hearing to underscore the role the Federal Government must play in securing all the Nation's borders, including the U.S.-Caribbean Border.

[*Note.*—The letters referenced in the summary tables above have been retained in committee files.]

LETTER FROM GOVERNORS TO PRESIDENT OBAMA

JUNE 20, 2012.

The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As Governors in the Eastern and Southern United States, we share a common concern for the safety of our citizens, and we know you share this concern. Nothing is more important.

We are requesting your support on a matter that affects us all—the growth of drug-related violence along the U.S.-Caribbean Border.

An estimated 70 to 80 percent of the Colombian cocaine reaching Puerto Rico via Venezuela and the Dominican Republic is destined for the streets of communities in the South, Midwest, and Eastern United States. In total, an estimated 30 percent of illegal drugs now reaching the U.S. mainland transits through the Caribbean.

The drug trade has in turn made Puerto Rico and the U.S. Virgin Islands (USVI) a major destination for illicit drug money and illegal firearms coming from U.S. mainland drug networks and is leading to an increase in related violence. Puerto Rico and the USVI are currently experiencing a murder rate that is exponentially higher than the National average, with almost three-quarters of these related to the drug trade.

This issue requires a National strategy, similar to that given to the Southwest and Northern Borders. We have joined together to urge you to establish a U.S.-Caribbean Border Initiative to be led by the White House and the Office of National Drug Control Policy (ONDCP).

Right now, Puerto Rico and the USVI are serving on the front lines. We need help in fighting this battle along the Caribbean Border, so that we do not have to fight these drug criminals on the streets of our States. If we work together, we can win this fight.

Sincerely,

GOVERNOR LUIS G. FORTUÑO,
Puerto Rico.

GOVERNOR JOHN DEJONGH, JR.,
U.S. Virgin Islands.

GOVERNOR RICK PERRY,
Texas.

GOVERNOR BILL HASLAM,
Tennessee.

GOVERNOR STEVEN L. BESHEAR,
Kentucky.

GOVERNOR ROBERT BENTLEY,
Alabama.

GOVERNOR MIKE BEEBE
Arkansas.

GOVERNOR MARY FALLIN,
Oklahoma.

Mr. MCCAUL. The Chairman now recognizes the gentleman from Illinois, Mr. Davis.

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

Governor Fortuño, it is good to see you. Thank you for being here.

Governor FORTUÑO. Likewise.

Mr. DAVIS. Let me thank you for your very comprehensive and eloquent testimony regarding the conditions in Puerto Rico and other parts of the Caribbean.

I was very interested to hear your outline. I also want to thank my colleagues, Delegate Christensen and Resident Commissioner Pierluisi because I have discussed this issue with both of them, and

I have had opportunity to visit both Puerto Rico and the Virgin Islands.

Of course, I am from Chicago, Illinois, which could be called little Puerto Rico, I guess, because we probably have more citizens who have either migrated from Puerto Rico to Chicago or people who travel frequently back and forth. So when you look at Chicago and you look at the Midwest, period, there are just large numbers of Puerto Ricans who move back and forth from both places.

I was also pleased to hear you mention some of your crime-fighting techniques, especially CeaseFire, because until a few months ago, the director of that program was my next-door neighbor, and so I saw him practically everyday as we would leave home for work. So I am very familiar with CeaseFire and the techniques and how effective they have been.

Let me ask you, and I know it is very difficult to comprehensively deal with an issue or a problem that affects not only the immediacy of one's environment but the role that all of the surrounding areas play. I think you, like many of the rest of us have felt and feel frustrated when we look at the resources that are available to approach the issues.

But how much of a role do you think our budget crisis—and for as long as I have been around here, it seems as though we have been reducing resources, that there seems to be some Members of this body who think that somehow you can get rain without thunder and lightning.

So if the budget is always being reduced and all we are doing is cutting, cutting, cutting, that means that the resources are not available in the same way to deal with the issues that you raise.

How much of a role Nationally do you think budget-cutting has had on the ability to deal with the issues you raised?

Governor FORTUÑO. First, if I may make a comment on CeaseFire, and actually, I am glad you are familiar. I assume you were familiar with the program in your area in Chicago, and actually we hired people from the University of Chicago, Illinois, Chicago campus, came down and what we did was we brought them together with a local community organization, not-for-profit organization, and they are the ones handling the program. We just actually provided the funding for them to be able to have the resources come down from your district to address this, and so far, the result has been extraordinary, I must say.

Actually, we started it in what probably the poorest, if not one of the poorest towns in Puerto Rico, Loiza, and the murder rate has started coming down significantly, and I attribute some of that at least to CeaseFire.

Having said that, we are all facing fiscal constraints. I am personally familiar because at the State level, that is exactly what is happening. I am not here asking entirely for more funding. I am asking for the resources that exist to be brought to bear in a comprehensive initiative in the same way that we have as a Nation in the initiative in the Southwestern Border and the Northern Border to bring together the resources and make sure that they start collecting the data.

It is unbelievable that you look at what is supposed to be the Nation's drug strategy documents, and you look at the data, and both

Puerto Rico and the USVI are excluded more than half of the time. So it is just starting to collect the data, which we haven't been able to get the agencies to do that, and I am talking specifically about Owens DCP.

Second, there are other resources to protect, you know, our coastline that may be moved around.

Third, for example, a search. There is a reason why we cannot bring a search of some of the law enforcement agencies at the Federal level like DEA or ATF with existing resources that may be underused at this moment somewhere else and actually address this issue both in the USVI and Puerto Rico. So there are ways in which we had a National strategy in which we could bring to bear existing resources to address this issue use appropriately.

Mr. DAVIS. So you are saying we really could do a better job of coordinating——

Governor FORTUÑO. Exactly.

Mr. DAVIS [continuing]. Resources that are available and pay more attention to the Caribbean and Puerto Rico to have more equity relative to how we use them.

Thank you, Mr. Chairman.

Mr. MCCAUL. Thank you for raising that important point.

Members are advised we have votes probably scheduled within the next 30 minutes.

With that, I recognize the former U.S. Attorney and the gentleman from Pennsylvania, Mr. Marino.

Mr. MARINO. Thank you, Mr. Chairman.

Governor, thank you for being here, and it is good to see you again.

Governor FORTUÑO. Thank you.

Mr. MARINO. Your sincere passion is obvious, and I commend you on that. I also want to extend my deepest sympathies and condolences to the families—to the family that is here and to additional families in Puerto Rico that have lost loved ones.

We have a finite amount of revenue and an infinite number of problems. So we have to be very meticulous about how we share those resources.

Let us step back a little bit and unite a discussion about our experiences of being on the front line and actually going out with agents, going out on raids, going out on busts, and can you give me any indication of what happens to the cash, if there is cash, that you confiscate, and do you go after assets of the drug cartels and the drug dealers, and do you have access to any of those funds?

Governor FORTUÑO. Of course, and normally we have strike forces at joint Federal-State agencies that work together in these raids. Even though most officers involved in those raids are State officers, oftentimes because of jurisdictional reasons, we prefer that they be processed at the Federal level.

We go, of course, go after assets. We have been going after assets aggressively, and we have dismantled a number of international criminal organizations with major presence in Puerto Rico, South America, the Dominican Republic, Florida, New York, New Jersey, Boston, and other places.

Mr. MARINO. Do you receive any of those assets?

Governor FORTUÑO. We are supposed to receive a percentage depending on—there is a formula.

Mr. MARINO. Sure.

Governor FORTUÑO. We are supposed to receive that funding. At this very moment, we have some questions, we have raised some questions with our sister agencies at the Federal level because even though we agree or we have agreed to use some of that funding to fund Federal agencies operations to Puerto Rico, which is not done in other States.

Mr. MARINO. Do you have any other type of understanding or memorandum of understanding as to how much proceeds you get?

Governor FORTUÑO. We do have. We do have that and we could get that for the committee.

Mr. MARINO. Are you receiving that?

Governor FORTUÑO. No, we are not at the level that we are supposed to.

Mr. MARINO. All right. I will follow up on that.

Governor FORTUÑO. Of course. I will provide you with the information. We will be happy to do so.

Mr. MARINO. How could you increase your investigations and arrest and prosecutions, to what degree, if you had these assets?

Governor FORTUÑO. Well, again, working jointly with our sister agencies at the Federal level, we have been able to bring to bear some technology that at the State level we lacked. At the same time, the Federal Government has assets and capabilities that the State government at least, given our Constitutional framework, would not have.

Mr. MARINO. I assume we are talking about millions of dollars.

Governor FORTUÑO. Of course. What we do is we work jointly, and that is where the rates come in and we dismantle some of these organizations because we are using technology. We are intercepting communications, some of them international communications.

Mr. MARINO. Excuse me. I only have a couple of minutes so I want to get through the questions. It is not difficult to share the technology. It is difficult to have actual bodies. Can you give us any indication or is that better left for the next panel on how many bodies you would need to significantly bring these cartels to their knees, if not eliminate them?

Governor FORTUÑO. I am not an expert on that. At the very least, we are asking for all of the vacancies to be filled in those Federal agencies that operate in Puerto Rico and the USVI, but certainly I am asking for the possibility of surges that will bring temporarily resources to the region to address this issue that is affecting everyone in the country, not just us in the two territories.

Mr. MARINO. I will do personally whatever I can to assist you in Puerto Rico, and I yield back my time.

Thank you.

Governor FORTUÑO. Thank you.

Mr. MCCAUL. I thank the gentleman for bringing his former Justice Department experience to the table, and as I understand, there is a—for clarification—there is a memorandum of understanding you have with the Federal Government.

Governor FORTUÑO. Of course.

Mr. MCCAUL. For resources and assets that is not being complied with?

Governor FORTUÑO. Yes, Mr. Chairman, and I will be honest with you and I have been honest with you the whole morning. That is, that has been of concern to us, but our primary concern has been protecting the lives and safety of our constituents.

Mr. MCCAUL. I would ask that you submit that to this committee.

The Chairman now recognizes the gentlelady from the Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Okay.

Thank you, Chairman McCaul.

I don't have a question. I would just like to make a few comments with the time that I have.

So, beginning with thanking you, Chairman McCaul and Ranking Member Keating, for this hearing, to renew the call for needed attention to the two U.S. territories that form the Caribbean Border of our Nation, and I also wanted to extend thanks to Chairman King and Ranking Member Thompson for their long-time support of this effort, and Congressman Thompson in particular for bringing the committee to the Virgin Islands to see our challenges firsthand a few years back, and to thank you all for welcoming this prodigal daughter back to the committee for this important hearing.

I also want to extend welcome to our former colleague, Governor Fortuño, and also to Congressman Serrano, who is in the audience, and thank him for his support on this and so many issues affecting the territories.

I was concerned when I was back on the committee about the illegal entry of people from as far as away as China and the gun and drug trade because of the fear that we would be where we are today. Two policemen shot as they stepped out of their car; one still in intensive care in Miami 1 month later; the father of another shot at as he was driving home; and an officer tortured and killed and missing for years before the perpetrators were found and arrested; not to mention the young people that I knew or took care of as a family physician who were killed or who are in jail; and the countless other tragic stories, such as the ones that you have heard from the Governor that are too numerous to recount here.

Although the murder rate in the Virgin Islands is down from 60 in 2010 in our 110,000 population to 48 last year, we unfortunately still have one of the highest murder rates per 100,000 in the country.

Our community, though, is fighting back. The wife of our lieutenant governor in particular with her Stop the Bleeding foundation. Today, in St. Thomas, Caribbean law enforcement is meeting on increasing our capacity as a region to combat gang violence, but we do need help.

Today, the director of ATF is also in the Virgin Islands to meet with legislators and others to restore this valuable member of our law enforcement team.

We are not the only communities. Many communities in our country are facing the same or similar problems with gun violence, but mostly it stems back to drug trafficking that is increasingly

coming through the routes that involve the U.S. Virgin Islands and Puerto Rico.

I was at the Coast Guard station in Puerto Rico with our colleague, the resident commissioner, a few weeks ago, and had the opportunity to shake the hand of the commander of the ship that captured 1.4 kilos of cocaine off of St. Croix in the U.S. Virgin Islands. That was the port's largest capture in its history. Earlier in the year, ICE, after a 3-year mission took down a northern Texas-Virgin Island's ring, also in St. Croix, confiscating 100 kilos of marijuana and over $400,000. But we need more to cover our over 100 miles of border.

I hear so many stories from my constituents of transfers of God knows what at sea and out of—and small boats unloading passengers with pickups waiting. We are still at the mercy of guns that we neither manufacture or sell in the Virgin Islands, legally anyway, that I am greatly concerned about what we don't know that we don't know. We are working security agencies and private entities on increasing and fine-tuning our surveillance and intelligence. But on this, we also need your support and advocacy.

Our Assistant Secretary of Interior for Insular Affairs Anthony Babauta held a meeting with all local and Federal law enforcement in the territories last year. We have a well-integrated but incomplete team that are part of the VI-Puerto Rico HIDTA, led by Adjutant General Vicens and run by executive director Catherine Mills who is from St. Thomas, but we need more Federal help to help restore the safety of our communities and protect the lives of our children.

This is not only important to my constituents and me, but it is critical to the well-being of yours and those of all of our colleagues.

So we are here pleading for your help to save our community and yours and to protect our Nation.

With that, I will yield back the balance of my time.

Mr. MCCAUL. I thank the gentlelady and also raising the point of asset forfeitures seized in the Caribbean, including Puerto Rico, Governor, are you aware of what percentage of those assets forfeited and seized are moneys returned to Puerto Rico?

Governor FORTUÑO. I will provide the MOU as soon as—I don't have it with me right now, but I know we have discussed that so far a number of times with our sister agencies at the Federal level.

Mr. MCCAUL. I appreciate that. Thank you.

The Chairman now recognizes the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman. Thanks for holding this hearing.

Governor, welcome and thanks for your extraordinary service to your constituents and also thanks for coming here today to speak on this very critical security issue.

As you know, Florida also faces similar concerns with regard to illegal trafficking and drugs and people into the United States.

Combatting this activity requires a coordinated and dedicated effort on both fronts. I think you agree. How do you see a U.S.-Caribbean Border initiative aiding both of our borders, Florida and——

Governor FORTUÑO. Of course, actually, I would say, Congressman, that whatever we do in America's Caribbean Border will have

a direct effect, especially in Florida and the southeastern part of the country. Because many of these criminal organizations actually work through that, follow that pathway so, indeed, there will be a direct effect in the streets of your neighborhoods to the extent that we do the right thing in our two territories.

Mr. BILIRAKIS. Very good. Thank you.

Governor, in your testimony, you provide examples of collaboration between Puerto Rico and the Federal Government. Have these collaborations provided a successful model that will continue that we can build upon? If so, how and where can these collaborations be expanded? If not, could you discuss the difficulties that you have had? I know you have maybe elaborated a little bit, the difficulties that you faced.

Governor FORTUÑO. I would say that the local offices of these Federal agencies and specifically individuals that are operating are operating under very tough and difficult circumstances. Often understaffed, and that is why we have State prosecutors working alongside them, State policemen and women working alongside them and so on and so forth, because we understand the importance of the work they are doing, and we are in this together. This case, there are no differences between who is working for the Federal Government or the State government. At the end of the day, the end result is the same. Protecting our constituents and guaranteeing the safety of our neighborhoods.

Having said all of that, of course, I mentioned a few. For example, just a sheer coordination of efforts and assets will bring about a much better and cohesive policy that—to confront what I see is a war against international drug organizations and cartels.

Second, a search, and it has been done in other jurisdictions, why not in Puerto Rico? The USVI, a search, temporary search to go after these organizations and dismantle them as well. Those are two examples.

Mr. BILIRAKIS. Thank you.

I yield back, Mr. Chairman.

Thank you, Mr. Governor.

Mr. MCCAUL. Thank you.

The Chairman now recognizes the gentleman from Puerto Rico, Mr. Pierluisi.

Mr. PIERLUISI. Thank you, Chairman McCaul.

I want to begin by thanking you for convening this hearing and for so graciously allowing me to participate.

I also want to extend my gratitude to Ranking Member Keating, whom Governor Fortuño and I met with yesterday.

I also want to thank full committee Ranking Member Thompson because he shared with me and listened to my concerns regarding the level of resources that are allocated to Puerto Rico and the VI before the start of this hearing, and he was very receptive to my concerns.

I think the previous speakers have framed the issue well. Let me just say a few words, and then I will wait for the second panel to ask my questions.

As we have heard, the U.S. territories of Puerto Rico and the USVI have murder rates that far exceed that of any State. Most

of these homicides are linked to the cross-border trade in illegal drugs, which is primarily a Federal responsibility to combat.

In the 5-year period between 2007 and 2011, the number of murders Nation-wide fell by over 20 percent. In that same period, the number of homicides in Puerto Rico rose by over 55 percent. Imagine for a moment that this spike in violence were taking place in Florida. Does anyone seriously believe that Federal law enforcement agencies within DHS and DOJ would continue to conduct business as usual rather than surging resources to the State until meaningful progress is seen? It is absolutely inconceivable. Yet, that is precisely what is happening in the case of Puerto Rico and the VI. I have the numbers in front of me supplied by the agencies themselves.

In the last several years, the number of ICE, CBP, and Coast Guard personnel assigned to Puerto Rico have generally remained stagnant. The story at DOJ is similar. In several component agencies, there have even been staffing reductions. In the rare case where we have seen an agency like the DEA increase its presence in Puerto Rico, that increase has been fairly small, and the total number of agents assigned to the islands still lags far behind all of the jurisdictions with smaller populations and lower rates of drug-related violence.

All of the statistics point to a single conclusion: While Federal law enforcement officers perform courageous and often heroic work in Puerto Rico and the VI, the Federal Government as a whole has yet to respond to the public safety crisis in these two American territories with anything approaching the sense of urgency that the situation demands.

If there is someone on the second panel who contests that point, I would gently ask them to show me the data that supports their argument. Let me be candid and kind of put this in perspective.

The Governor and I speak with one voice on this. There is no room, there should be no room for partisan politics in dealing with this issue. But we have seen one thing. We don't question the motivation of Federal law—the Federal law enforcement community. I come from the law enforcement community. I was the attorney general in Puerto Rico in the mid-1990s. We know they are doing all they can.

The coordination between the government of Puerto Rico and the Federal agencies could not be better. The number of initiatives is amazing. The number of law enforcement personnel from Puerto Rico dedicated to the Federal agencies is also unprecedented.

What is lacking is two things. First an overreaching strategy. We want a counternarcotic strategy for the Caribbean Border, the same way we have it for the Southwest Border and the Northern Border, that is one thing; and second, increase of resources. We know these are fiscal tough times. We know it.

But it is a matter of prioritizing. Anybody who knows about management knows that you need to prioritize when allocating resources. It cannot be business as usual. We haven't seen an increase, a significant increase in Federal resources in Puerto Rico. It is about time it happens. The same for my sister territory, the Virgin Islands.

That is all I will say for now. But I look forward to questioning the witnesses, and again, with all due respect, because I know you are on the front lines and we respect what you do.

Mr. MCCAUL. Thank you for your passion always on this issue.

I just want to close by saying, you know, the administration has recently shown concern for 800,000 non-citizens who aim to become Americans in the United States. I wish they would show the same amount of concern for the 4 million Hispanic-American citizens living in Puerto Rico and the U.S. Virgin Islands.

We have clearly heard from your testimony, Governor, of the threat from both cartels shipping drugs through Puerto Rico that eventually end up on our shores here, Texas and Florida and the East Coast through commercial flights, and the potential for a terrorist to infiltrate.

So I think it is unacceptable, as we look as Mr. Pierluisi stated, that we have a northern and a southern strategy, but we don't have a strategy as you indicated for the Caribbean. I think it is unacceptable that we do not have a strategy. I hope that the administration—we'll hear from the next panel—will come together and work with you to create a comprehensive plan and strategy to better protect the American citizens who live on your island.

With that, if you have any closing comments, Governor, I would be happy to give you some time.

Governor FORTUÑO. Well, I just want to thank you and thank all of the Members of the committee, and I want to thank both the delegate from the U.S. Virgin Islands and our Resident Commissioner Pierluisi.

As Governor, I have over and over made one central request to my people, to my constituents. I say, "no te rindas," which means "never give up." But the simple truth is that Puerto Ricans already know that because it is in our blood, as you just saw with Mr. Pierluisi. We never give up. We are fighters.

When our backs are against the wall, when we face hardships, when we are truly tested, that is when we reveal our courage, and that is when we fight even harder and that is what binds us as Americans.

So perhaps I should be directing my message to the people who need to hear it the most. Mr. Chairman, distinguished Members of this committee, do not give up on us. Do not give up on Puerto Rico and the USVI. Our respective citizens have spilled blood and died together on the same battlefields defending freedom, liberty, and protecting the American people and honoring our allegiance to the greatest Nation on Earth.

Each of you represent a different district in your respective States, and while the needs of our constituents may vary, we always come together as American. We remain strongest when we are united, and that is exactly what we are asking for. We celebrate the culture of life in this Nation. We don't discriminate the value of one life over another due to geography, and I am not asking you to do anything against your own instincts and values. I am asking you to stand up for what you already know to be true. I am asking you to join me and help Puerto Rico defend this Nation effectively along the U.S.-Caribbean Border.

We all take responsibility and develop and enforce the Caribbean Border initiative. We will all reach our goals, our enemies cannot match our resolve working together. Help us fight this battle along the Caribbean so that we do not have to fight these threats in the neighborhoods across America. These criminals will seek to test us for sure, but when they do, let us remember that we never gave up.

Thank you again.

Mr. MCCAUL. Thank you, Governor, for your passion, your leadership, for bringing this issue to our attention and I think that when it comes to the Federal Government, we need to do a better job.

So thank you for being here today.

The committee now moves to Panel No. 2.

Mr. MCCAUL. The Members are advised that we have votes coming up in the next few minutes. We would like to move as expeditiously as possible.

JOINT STATEMENTS OF REAR ADMIRAL WILLIAM D. LEE, DEPUTY FOR OPERATIONS POLICY AND CAPABILITIES, U.S. COAST GUARD, DEPARTMENT OF HOMELAND SECURITY; JANICE AYALA, ASSISTANT DIRECTOR FOR OPERATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY; KEVIN MC ALEENAN, ACTING ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY; AND MICHAEL C. KOSTELNIK, ASSISTANT COMMISSIONER, OFFICE OF CBP AIR AND MARINE, CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. MCCAUL. Thank you. I would like to move along as quickly as possible. So I am just going to introduce you by name and then ask that you submit your opening statement for the record so we can move forward with the questions and hopefully get that done before the votes.

At first, we have Rear Admiral William Lee, who is the deputy for operations policy and capabilities for the U.S. Coast Guard. Second, we have Ms. Janice Ayala, who is the assistant director for domestic operations, homeland security investigations for the Department of Immigration and Customs Enforcement. We have Mr. Kevin McAleenan, who is the acting assistant commissioner in the Office of Field Operations, Customs and Border Protection. Finally, we have General Kostelnik, who is the assistant commissioner, U.S. Customs Border Protection, Office of Air and Marine.

[The joint statement of Admiral Lee, Ms. Ayala, Mr. McAleenan, and Mr. Kostelnik follows:]

JOINT PREPARED STATEMENT OF MICHAEL KOSTELNIK, KEVIN MCALEENAN, WILLIAM D. LEE, AND JANICE AYALA

JUNE 21, 2012

INTRODUCTION

Chairman McCaul, Ranking Member Keating, and distinguished Members of the subcommittee, it is a pleasure to appear before you today to discuss the Department of Homeland Security's efforts to secure our Nation's borders.

No one entity can tackle these transnational criminal enterprises alone. Rather, it requires a multi-agency, multi-national, and layered approach. To that end, U.S. Customs and Border Protection (CBP), Immigrations and Customs Enforcement (ICE), and the U.S. Coast Guard (USCG) forge strong and cooperative relationships and work closely with State, local, Tribal, territorial, Federal, and international partners toward our mission to promote homeland security and uphold public safety through the criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration.

To do this, DHS has deployed a multi-layered, risk-based approach to enhance the security of our borders while facilitating the lawful flow of people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

As America's front-line border agency, CBP is responsible for securing America's borders while facilitating legal travel and trade. Over the past 3 years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources in support of our border security efforts. The President's fiscal year 2013 budget request continues these efforts by supporting the largest deployment of law enforcement officers to the front line in our agency's history: More than 21,000 Border Patrol agents, 1,200 Air and Marine agents, and 21,100 CBP officers, all who work 24/7 with State, local, Tribal, and Federal law enforcement in targeting illicit networks trafficking in people, drugs, weapons, and money. Over the last year, we have brought greater unity to our enforcement efforts, expanded collaboration with other agencies, and improved response times.

U.S. Immigration and Customs Enforcement's (ICE) mission is to promote public safety through the criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration. ICE's Homeland Security Investigations (HSI) directorate is responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States. In addition to overseeing the agency's international and intelligence functions, HSI investigates, among other things, immigration crime, human rights violations and human smuggling, smuggling of narcotics, weapons, and other types of contraband, financial crimes, cyber crime, and export enforcement issues. ICE is well-positioned to disrupt and dismantle transnational criminal organizations by targeting the illicit pathways and organizations that engage in the production, transportation, and distribution of illicit contraband.

For more than 220 years, the U.S. Coast Guard has safeguarded the Nation's maritime interests and natural resources on our rivers and ports, in the coastal regions, and on the high seas, in the Caribbean region and around the world. The Coast Guard saves those in peril and protects the Nation's maritime border, marine transportation system, natural resources, and the environment. Coast Guard men and women—active duty, reserve, civilian and auxiliarists alike—deliver premier service to the public. The Coast Guard is an adaptable, responsive, military force of maritime professionals whose broad legal authorities, assets, geographic diversity, and expansive partnerships provide a persistent presence in the inland waters, ports, coastal regions, and far offshore areas of operations. This presence, coupled with over 2 centuries of experience as the Nation's maritime first responder, provides tremendous value and service to the public. As such, the Coast Guard shapes National maritime policy, including in the Caribbean region, to protect the Nation's interests.

OVERVIEW OF CBP OPERATIONS IN PUERTO RICO/U.S. VIRGIN ISLANDS (USVI)

In fiscal year 2011, CBP processed approximately 4.8 million travelers and more than 109,000 containers through our ports of entry in the Caribbean. The San Juan Field Office processed over $40 billion in trade, an increase of more than 15 percent from the prior year. During this time, CBP officers arrested 345 people wanted for crimes, including murder, rape, assault, and robbery, and denied entry to nearly 3,000 people at Puerto Rico's ports of entry. The San Juan Field Office has 626 employees across the region: 318 CBP Officers, 76 Agriculture Specialists, and 111 support positions are assigned to Puerto Rico; and 80 CBP Officers, 11 Agriculture Specialists, and 30 support positions are located in the U.S. Virgin Islands.

CBP's Caribbean Air and Marine Branch (CAMB) plays a major role in deterring illegal activity in the region through the coordinated use of integrated air and marine forces to detect, interdict, and prevent the unlawful movement of people, illegal drugs, and other contraband in the area. The CAMB is headquartered in Aguadilla, Puerto Rico and possesses six aviation assets, including two AS–350 Light Enforce-

ment Helicopters, two UH–60 Medium-Lift Helicopters, and two DeHavilland DHC–8 Maritime Patrol Aircraft, which are state-of-the-art aircraft used for detecting vessels. Also assigned to CAMB are four marine units located in Fajardo, Ponce, and Mayaguez, Puerto Rico and St. Thomas, U.S. Virgin Islands. The marine units have 10 Midnight Express interceptors, which are the fastest, most capable law enforcement vessels in the world, and 5 additional support vessels. The 60 enforcement personnel of the CAMB seized approximately 10,250 pounds of narcotics and $2.1 million in currency in fiscal year 2011.

The Caribbean Air and Marine Operations Center (CAMOC), a sub-unit of the CBP's Air and Marine Operations Center (AMOC), is also located in Puerto Rico. CAMOC is a state-of-the-art law enforcement radar surveillance center designed to counter the on-going threat of airborne drug smuggling and provides detection, monitoring, and coordination between CAMB assets and other Federal and local authorities.

Ramey Sector Border Patrol agents patrol coastal areas in Puerto Rico and work to prevent, deter, and interdict illegal aliens and narcotics. During fiscal year 2011, Border Patrol agents apprehended 642 undocumented aliens and seized more than 2,180 pounds of narcotics between the ports of entry. The Sector also has a full-time Prosecution Unit, a full-time Public Affairs Office, a robust Intelligence Unit, and five canine teams deployed in Puerto Rico. These canine teams assist the San Juan Field Office with container checks and ferry operations and are also deployed to support the local law enforcement community.

CBP also supports the six municipalities in Puerto Rico in developing operational plans and preparing funding requests for Operation Stonegarden grants. Utilizing the resulting Operation Stonegarden grants, these municipalities—Aguadilla, Cabo Rojo, Lajas, Ponce, Yabucoa, and Ceiba—work in unison with Border Patrol agents to fuse knowledge, experience, assets, and jurisdictional authorities in an effort to develop actionable intelligence, deter illegal activities, and help protect our coastal communities.

CBP continues its efforts to prevent narcotics and unreported currency from entering Puerto Rico and the U.S. Virgin Islands. Collectively, CBP officers and agents seized more than 19,000 pounds of narcotics with an estimated street value of approximately $140 million, and seized more than $7 million in unreported currency in fiscal year 2011.

OVERVIEW OF ICE RESOURCES IN THE CARIBBEAN

ICE currently has seven domestic offices in Puerto Rico and the U.S. Virgin Islands; these include the HSI Special Agent in Charge (SAC) office in San Juan (SAC San Juan); and the subsidiary Resident Agent in Charge (RAC) offices in Fajardo, Arecibo, Ponce, Mayagùez, St. Thomas, and St. Croix. The HSI Caribbean Attaché, physically located in Miami, Florida is responsible for overseeing HSI Assistant Attaché offices in the Nassau, Bahamas; Kingston, Jamaica; and Santo Domingo, Dominican Republic. These offices work with HSI domestic offices and foreign counterparts to combat transnational criminal organizations through capacity building, information sharing, and joint investigations. ICE's presence in the region, in collaboration with other law enforcement partners, has directly resulted in more than 1,000 criminal arrests, and the seizures of more than 1,200 firearms, 25,500 pounds of narcotics, and nearly $17 million in illicit proceeds from October 2010 through June 2012.

OVERVIEW OF COAST GUARD OPERATIONS IN PUERTO RICO/USVI

The Coast Guard and its interagency partners have seen tremendous interdiction successes over the past several years in the Caribbean Transit Zone. The Coast Guard interdicted and seized over 198,000 lbs of contraband (cocaine and marijuana) in fiscal year 2011, and 181,000 lbs thus far in fiscal year 2012.

The Coast Guard interdicted three Self-Propelled Semi Submersible (SPSS) vessels in the Caribbean Sea in fiscal year 2011 and another two in the first two quarters of fiscal year 2012. Though not present in the same numbers as go-fasts, the SPSS and Fully Submersible Vessels (FSV) are potentially an even more insidious threat to the security of the United States for two reasons: (1) Their large, up-to-10-ton payload and (2) the extraordinary difficulty of detecting these vessels at sea. This makes them a dangerous drug conveyance that could potentially be adapted for transporting other more serious security threats to the United States.

The Caribbean has many areas of shallow water with islands scattered throughout the different transit routes. To prevent drug traffickers from retrieving their illicit cargo after scuttling, the Coast Guard led an interagency response to recover contraband from two of the scuttled SPSS vessels. The other SPSS vessels had been

scuttled in waters too deep to safely conduct dive operations. This interagency and international effort led to the recovery of over 12 metric tons of cocaine.

The foresight and wisdom of the U.S. Congress deserves a note of thanks for enacting 18 USC § 2285, the Drug Trafficking Vessel Interdiction Act of 2008, which made the mere operation of these stateless vessels in international waters a crime. This has greatly helped interdiction efforts whereby law enforcement authorities no longer need to recover contraband in order to affect successful arrests and prosecutions.

Since 1980, the Coast Guard has interdicted over 364,000 migrants at sea. The majority of migrant interdictions occur in the Florida Straits, and Windward and Mona Passages. The Coast Guard interdicted 2,474 undocumented migrants who attempted to enter the United States via maritime routes during fiscal year 2011. This statistic represents an 18 percent increase in interdictions when compared with fiscal year 2010 (2,088) and a 29 percent decrease in interdictions when compared with fiscal year 2009 (3,467). The Coast Guard interdicted 796 undocumented migrants in the maritime domain in the first quarter of fiscal year 2012, which is more than the numbers interdicted during the first quarters of fiscal years 2011 (410) and 2010 (188), and less than the number interdicted during the first quarter of fiscal year 2009 (1,062).

INTERNATIONAL/BI-LATERAL AGREEMENTS

The Coast Guard maintains 45 maritime bi-lateral law enforcement agreements with partner nations, which enable the Coast Guard to coordinate with partner nations and more effectively operate forward-deployed boats, cutters, aircraft, and personnel to deter and counter threats as close to their origin as possible. Each bilateral agreement is independently negotiated but follows a standard framework; elements may include: Ship boarding; ship rider; pursuit; entry to investigate; overflight; order to land; and international maritime interdiction support. These agreements also enable the Coast Guard to assist partner nations in exercising their span of control and maritime domain awareness of their waters. Migrant bilateral agreements include an agreement with the Dominican Republic, the Comprehensive Maritime Agreement with the Bahamas, and the Migrant Accords with Cuba.

The Coast Guard-sponsored Multilateral Maritime Counter Drug Summit focuses on strengthening international partnerships and disrupting illicit drug trafficking and associated violence in the transit zone. The Summit is geared towards Western Caribbean countries, with international participation representing 10 partner nations in Central and South America.

In the Eastern Caribbean, the Caribbean Law Enforcement and Intelligence Council facilitates communication, information sharing, law enforcement operations planning, and interoperability amongst participating international countries (United Kingdom, France, and the Netherlands). It serves to enable face-to-face interaction between key local, Federal, and international law enforcement and intelligence organizations throughout the Caribbean region.

The Coast Guard provides international training and education through resident schools and "on-the-job training" at operational units in the United States, and through Mobile Education and Training Teams deployed to host counties. Approximately 60 formal resident courses and 11 on-the-job training courses are open for international military student attendance. The Coast Guard courses are developed and conducted to meet mission requirements and are intended to improve performance. Exportable training is one of the Coast Guard's most versatile and cost-effective international training tools, providing training to more than 2,000 international students in approximately 60 countries each year. The Coast Guard delivers a complete package of beginning, intermediate, or advanced training to units, small groups, or larger multi-agency audiences. All of these training and education outreach activities result in participants being more capable partners in maritime law enforcement, marine safety and environmental protection, small boat operation and maintenance, search-and-rescue missions, and port security and infrastructure development for countries with waterway law enforcement programs.

COLLABORATIVE EFFORTS

In addition to its operational presence in Puerto Rico and the U.S. Virgin Islands, DHS has increased its collaboration with Federal, State, local, and international partners to arrest individuals and target criminal organizations that pose a threat to our communities. This collaboration has resulted in successful operations at and beyond our borders. Collaborative efforts such as the Caribbean Border Interagency Group (CBIG) have proven to be an effective force multiplier by coordinating joint planning and execution of operations among CBP, ICE, USCG, Department of Jus-

tice (DOJ), the Office of National Drug Control Policy's High Intensity Drug Trafficking Area program (HIDTA), and Puerto Rico's Fuerzas Unidas de Rapida Acción (FURA) partners. Through these coordinated efforts, DHS has reduced illegal migrant activity coming into Puerto Rico via the Mona Passage by 90 percent over the last 5 years, and is successfully mitigating the smuggling threat along Puerto Rico's western coast.

Operation Caribbean Resilience

It is ICE's assessment that Puerto Rico is a primary Caribbean drug transshipment point from South America to the U.S. mainland. In direct response to the threat of criminal organizations, related violence, and its impact on the quality of life for those residing in Puerto Rico and the U.S. Virgin Islands, and in response to recommendations contained in the President's Report on Puerto Rico's Status, HSI initiated Operation Caribbean Resilience in fiscal year 2012. This operation worked in collaboration with CBP, ATF, Puerto Rico Police Department, San Juan Municipal Police has focused resources toward Puerto Rico in an effort to concentrate on complex transnational criminal organizations. The operation, which began with a 90-day surge and has continued with the temporary assignment of agents from around the country, seeks to identify, disrupt, and dismantle drug trafficking organizations that destabilize Caribbean nations and territories and threaten regional security.

As of June 19, 2012, Operation Caribbean Resilience has resulted in a total of 287 arrests as well as the seizure of nearly 181 firearms, 6,340 rounds of ammunition, and $91,630 in illicit proceeds.

Caribbean Corridor Initiative

Operation Caribbean Corridor is a Puerto Rico-based multi-agency task force that consists of HSI, the United States Attorney's Office for the District of Puerto Rico, the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas program, CBP, DEA, FBI, the USCG Investigative Service, Joint Interagency Task Force–South, and State and local law enforcement agencies. Caribbean Corridor is a comprehensive intelligence-driven initiative focusing on South American drug-trafficking and money-laundering organizations responsible for transporting multi-ton loads of cocaine through the Eastern Caribbean en route to the United States and Europe.

One example of an investigation under Operation Caribbean Corridor is a recent SAC San Juan investigation into a large-scale narcotics smuggling organization operating between the Dominican Republic and Puerto Rico. To date, this investigation—known as Operation Wild Surf—has resulted in 36 arrests and the seizure of approximately 1,800 kilograms of cocaine, 26 kilograms of heroin, $1.8 million dollars, and 14 vessels.

Border Enforcement Security Task Forces

HSI has partnered with Federal, State, local, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST), a series of multi-agency teams developed to identify, disrupt, and dismantle criminal organizations posing significant threats to border security. The BEST program operates in 31 locations throughout the United States and Mexico. BEST leverages over 750 Federal, State, local, and foreign law enforcement agents and officers representing over 100 law enforcement agencies. BEST also provides a co-located platform to conduct intelligence-driven investigations. In fiscal year 2011, BESTs made nearly 2,300 criminal arrests and more than 1,100 administrative arrests. Meanwhile, Federal prosecutors obtained nearly 1,400 indictments and 1,200 convictions in BEST-investigated cases.

In October 2011, HSI stood up the San Juan BEST, which includes partners from CBP, Puerto Rico Police Department, USCG, ATF, San Juan Police Department, the Colombian National Police, Puerto Rico Ports Authority, and Puerto Rico's Department of Treasury, all working collaboratively to share information and expertise in cooperative investigations. In February 2012, the San Juan BEST seized 109 kilograms of cocaine and contraband with an estimated price per kilogram of $2.4 million dollars during an inspection of incoming containers on board a motor vessel arriving from the Dominican Republic. During the inspection of one of the containers, which was manifested as carrying aluminum construction materials, CBP officers found four duffle bags with a total of 101 bricks of cocaine. The contraband was turned over to HSI for further investigation. More recently, the San Juan BEST seized 6 kilograms of cocaine during a routine CBP inspection of a passenger vehicle that arrived from the Dominican Republic on-board a vessel. The vehicle and contraband were turned over to HSI, which arrested three individuals allegedly involved in the drug-smuggling venture.

Prosecution Partnerships

In addition to enhancing partnerships with local law enforcement, DHS's relationship with the Puerto Rico U.S. Attorney's Office is an instrumental component of our efforts to reduce the smuggling threat in the Caribbean area. The U.S. Attorney has dedicated an Immigration Unit to support enforcement operations, which has assisted in reducing the number of re-apprehended undocumented immigrants. The Immigration Unit consists of an Assistant U.S. Attorney, two Special Assistant U.S. Attorneys (one from ICE and one from USCG), and a full-time paralegal specialist provided by CBP's Office of Border Patrol. The creation of the Immigration Unit in October 2006 has resulted in a greater number of immigration cases accepted for prosecution (and more quickly), which has had a deterrent effect. During fiscal year 2011, Ramey Sector Border Patrol agents had more than 150 cases accepted for criminal prosecution which included charges of illegal entry, re-entry after deportation, failure to heave to, and presenting false documentation. So far in fiscal year 2012, agents have presented 131 cases that were accepted by the U.S. Attorney's Office for criminal prosecution.

Puerto Rico Working Group

In response to a request from the Governor of Puerto Rico in July of last year, CBP created a Puerto Rico Work Group to look for ways that CBP could continue to make and sustain gains in border security with its existing resources. The work group identified three areas that provided the greatest force multiplier capability—Intelligence, Joint Operations, and deployment of CBP resources. The efforts of the work group members have resulted in:

- Increased collaboration and joint operations within CBP, as well as with external law enforcement partners, to address the threat in the eastern side of the island;
- Increased collaboration with the Puerto Rico Police Department authorities on enforcement efforts;
- Increased coordination with municipalities for the application of Federal funding; and
- Increased CBP capabilities, such as the cross-training of OFO personnel to support marine operations, and additional force presence for special operations and enhanced enforcement efforts.

White House Task Force

In March 2011, the President's Task Force on Puerto Rico's Status recommended the convening of a working group to begin a formal interagency process of coordination and collaboration regarding Puerto Rico's security and safety. In response, the Puerto Rico Interagency Public Safety Working Group (PSWG) was convened. The PSWG, co-chaired by DOJ Associate Attorney General Tony West and DHS Assistant Secretary for Intergovernmental Affairs Betsy Markey, is tasked with examining the economic and safety/security threats facing Puerto Rico and developing a plan to address those challenges from an interagency perspective. Since October 2011, CBP has been an active participant in the PSWG. In addition to providing advice and expertise on CBP-related issues, CBP briefs the PSWG on CBP operations, collaborative efforts, and potential concepts for the PSWG to pursue.

CBP/USCG Cargo Container Inspections

In April 2012, by leveraging associated USCG and CBP border search authorities, CBP initiated a multi-jurisdictional integrated law enforcement effort between CBP, HSI, USCG, and Puerto Rico State and local law enforcement personnel to interdict drugs and other contraband by conducting inspections of domestic containers bound for CONUS. Using collective intelligence and targeting assets from all law enforcement partners, sea cargo destined for CONUS are selected and scanned using CBP large-scale NII equipment. When the NII image reveals anomalies within the contents of the container, the container and contents are checked by canine units and physically inspected by officers in an effort to detect and deter criminal organizations from transporting illegal contraband to CONUS. Upon completion of these operations, a detailed report with findings is forwarded to CONUS ports where the vessel is scheduled to arrive from Puerto Rico, including Houston, Jacksonville, Newark, and Philadelphia. These port communities subsequently conduct inspections of the arriving vessels and cargo using all available resources.

A recent success occurred on May 15, 2012, when the Anti-Terrorism and Contraband Enforcement Team (A–TCET) at the Philadelphia Seaport observed anomalies on an inbound vehicle from Puerto Rico utilizing large-scale inspection equipment. A subsequent physical inspection of the automobile by CBP Officers revealed packages containing a total of 10 kilograms of cocaine.

CONCLUSION

Chairman McCaul, Ranking Member Keating, and Members of the subcommittee, thank you for this opportunity to testify about the work of DHS. We are committed to providing our front-line personnel with the tools they need to effectively achieve their primary mission of securing America's borders. We look forward to answering any questions you may have at this time.

Mr. MCCAUL. With that, I now recognize myself for 5 minutes for questions.

As we heard from the Governor, and perhaps I will start with you, General, we heard from the Governor of the lack of a strategy or a plan for the Caribbean, and then the closing of the Air and Marine Office in Puerto Rico. Can you enlighten us on this?

General KOSTELNIK. Well, I mentioned an area of strategy. I think you all are aware that the Caribbean Border Interagency Group has been formed by not only the representatives of the colleagues here at the table but others in the host Nation, and that has provided I think a fairly substantial improvement in local strategy associated with the combined assets of the Federal Government and the State of Puerto Rico you know there in the western Caribbean. The broader area in the deep transit zone and the approaches from South America and central America into the United States and also into the Caribbean, east and west, JIATF–South has a substantial approach to strategy. The broader area and combining all of those into one area, that is probably a focus area that would need some work.

In regards to the closure of our facility, I think the committee is well aware that some of the added infrastructure in terms of the marine capabilities of U.S. Customs and Border Protection was enhanced in years passed, and at that time, it was enhanced using funds out of the Puerto Rican trust fund. As a result of the way that it was done at that time by law, it limits investments in our marine capability to the trust funds.

So, in 2011, as a result of a further widespread, you know, financial issue, not only in Puerto Rico, obviously and this government and governments across the world's stage, these are very difficult financial times and the trust fund did not deliver in ways that it had in the past. So the support from the trust fund for various agencies were reduced at that time period and resulted in a shortfall in our marine operation that we couldn't cover, we couldn't cover by other appropriated funds, and we didn't have the resources.

So as a result of that, we looked at the four operational marine branches we had on the island itself. We looked at the least productive of the four branches, retained the most important branches of Fajardo, Ponce, and Mayaguez, protecting the east and west and southern approaches to the island, and we did close just the marine branch in San Juan harbor. That resulted in the removal of about five agents, but the marine craft that were associated with that branch were redistributed to other branches within the island complex and were not removed.

Mr. MCCAUL. What can we do to help restore those funds to the Puerto Rican trust fund?

General KOSTELNIK. Well, I think—I am not an expert on the Puerto Rican trust fund to fund only air and marine equity, but

also the larger office of field operation equities and perhaps ICE as well. It is a fairly substantial boost. As a partnership with the territory for many years, it has been invested in Federal entities to bring capabilities to the island that would not be indigenous to the State. I think it has been a very successful partnership.

I believe the trust fund equities are delivered by fees associated with trade and travel in the islands, so part of that is driven by the economy of the day. As the economy and trade improves, and I think those things are increasing as we speak, the trust fund will recover.

I think the Resident Commissioner Pierluisi has introduced some legislation to give us the flexibility perhaps of funding other Federal equities in addition to the trust fund. That would certainly give us more flexibility to augment with other appropriations, but at the end of the day, there are reductions across the board in most of our infrastructures. We are in times of reduced operations.

Mr. MCCAUL. If I can just ask, the Governor talked about a memorandum of understanding with the Federal Government and that that was not being fully complied with. Can any of the witnesses speak to that issue?

General KOSTELNIK. I think he was referring to the forfeiture fund as well. So the Puerto Rican trust fund I think is delivering consistent with the memorandums. There are other memorandums that deal with material goods, boats, aircraft, narcotics, weapons, cash, that are going to seize by a combination of State and Federal and law enforcement agencies in the territory. Those go into a Federal forfeiture fund. I am not personally familiar with that MOU, but I am sure there is a document that specifies what the arrangements will be.

Mr. MCCAUL. About 25 seconds. Does anybody have any comment on that?

Ms. AYALA. Yes, sir. If I could comment. We have almost shared approximately $12 million, where we have either recommended or actually asset-shared with the Puerto Rico government, and that is in funds, equipment, and so forth. Those are based on local agreements with different departments of police. Some of those funds have to go through—obviously, the Treasury Asset Forfeiture Fund in order for them to be fully forfeited, and that takes some time. So there is some money pending, but we constantly live up to ensuring that they have all of the asset-sharing opportunities they have and that is why we have nearly 80 task force officers assigned to four task forces in the Puerto Rico area and San Juan.

Mr. MCCAUL. Thank you.

The Chairman now recognizes the Ranking Member.

Mr. KEATING. Thank you very much, Mr. Chairman. Representative Davis asked the Governor a good question. He asked him, you know: Where would the resources come from? Would it be additional or would it be—and his answer was and you heard it was that the resources and money can come from, "those used, underused somewhere else." Those used, those underused somewhere else. Now you are the four agencies that the somewhere else would come from. Can you tell me quickly, given the time constraints, can you tell me where they are underused somewhere else? The resources?

Start with you, Admiral.

Admiral LEE. Well, thank you for that question, sir.

I really can't pull it out right now where I can think of a place where our resources are underused that we could deploy to Puerto Rico. What I can tell you is that where we are applying our resources is as close to the shipment point down in the transit zone as possible.

We believe that our strategy of intercepting the cocaine destined for Hispaniola, which creates secondary flow over to the island of Puerto Rico, is best intercepted where it is coming out of the gate, where we can get it in bulk before it gets to the mainland, where it is parceled up into smaller packages and becomes a real problem that the Governor is wrestling with right now, Sir.

Mr. KEATING. Ms. Ayala, could you tell us where in your department the "underused somewhere else" is?

Admiral LEE. For the record, sir, I cannot tell you where we have got anything underused.

Ms. AYALA. I would say the same, but I would say that in order to try to address this threat, we have surged at least 7 people since January to the San Juan area and to assist the Puerto Rico Police Department in identifying violent gang members and seizing weapons from the street. Obviously, this is a temporary situation, but we do have several, at least 10 to 14 people that are in the pipeline identified to come on to be hired on a permanent basis. We are just waiting for approval of the Puerto Rico trust fund budget for fiscal 2013 and 2014 to make that a reality.

Mr. KEATING. In terms of Customs and Border Patrol, can you tell me where the "underutilized somewhere else" is?

Mr. MCALEENAN. Good late morning, Ranking Member Keating. We don't have any underutilized locations under-resourced—over-resourced locations at this point. Our workload staffing model governs how we deploy our resources, and that is based on both the volume and the risk of each port of entry Nationally. We have, in Puerto Rico, a significant volume of passengers and trade coming through and also threats as described by the Governor and Resident Commissioner Pierluisi.

Mr. KEATING. So we are 0 for 3. Could I ask Mr. Kostelnik? Is there "underused" somewhere else in your department?

General KOSTELNIK. No, sir. Ours would be the same. How we lay ours down Nationally is prioritization and adjust those based on mission need.

Mr. KEATING. So I would suggest, given the answers of our panel, there is no "underused somewhere else," and the answer might be more allocation of overall resources, and that is the answer, that is the only answer I am left with. We reduced those things in budgets.

So there is my conclusion. I wanted to follow up on that. I will yield back the rest of my time.

Mr. MCCAUL. I thank the gentleman.

Mr. Long from Missouri is recognized.

Mr. LONG. Thank you, Mr. Chairman, and thank you all for being here today and for your testimony.

Admiral Lee, talking about underused resources, which you say there are none; is that correct?

Admiral LEE. None that I can think of, sir.

Mr. LONG. How about manpower? Are you short-handed or not?

Admiral LEE. Sir, we are a very lean organization and growing leaner.

Mr. LONG. Do you think you could use $10 million?

Admiral LEE. We could use, certainly, sir.

Mr. LONG. If we hadn't have spent $10 million trying to figure out if a professional baseball player used steroids or not, you could have had it. So I am sorry to report you can't have it.

What on the steroids—not steroids, excuse me, on the submersibles—I am back on steroids now. On the submersibles, how do you detect those? Do you have the capability you need to detect those?

Admiral LEE. That is an excellent question, sir. Right now, the semi-submersibles that we are detecting and interdicting today is an outgrowth of the pressure we have put on the—on the cartels and the TCOs in their attempts to get the drugs in. It is an innovative approach. We, the best, the best technology that we have right now is our overflight, our aerial surveillance. That and the new radars that we are putting on our new National response cutter has enabled us to see further than we ever have before. The fact of the matter is, though, is these organizations emerge into the fully submersible technology, which we know they already have the capability of doing. We have no method of detecting them once they become subsurface.

Mr. LONG. How can that be? It is not a stealth submarine, I wouldn't assume.

Admiral LEE. No, sir. We just don't have the technology such as that that the Navy has to be able to see what is underneath the surface. When it is on the surface——

Mr. LONG. The Navy won't assist you in this or can't assist you?

Admiral LEE. Yes, sir. We work with the Navy routinely, especially in the JIATF–South region.

Mr. LONG. So you are able to track them although it might not be your agency proper, correct or not?

Admiral LEE. When the appropriate Naval resources are in that area of operations, some of them do have that capability, yes, sir.

Mr. LONG. Okay. I guess that is my only question on it.

Thank you. I yield back.

Mr. MCCAUL. Thank you for the question. I was planning to ask that myself, and my time ran out. But just so I understand, you cannot detect the submersibles once they are under the water?

Admiral LEE. When they go subsurface, no, sir.

Mr. MCCAUL. But the Navy can?

Admiral LEE. With those vessels that they have with the technology that allows them to do that.

Mr. MCCAUL. I won't ask you how deep you can detect it with the Navy because that would give information.

Admiral LEE. We would be happy to give you a more appropriate brief in a more appropriate setting on that.

Mr. MCCAUL. Precisely. Thank you.

The Chairman now recognizes the gentlelady from the Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, and welcome to the panelists. I have perhaps maybe two questions.

First one for Rear Admiral Lee. A few weeks ago I mentioned the 1.4 kilos of cocaine that was picked up by the Coast Guard, but it was a fast boat smuggling those drugs into the United States that was observed as it approached St. Croix. The boat crew, when they became aware of detection dumped the cocaine and sped away, but they eluded capture because we don't have the necessary air and sea resources of the U.S. Coast Guard and Border Patrol in the Territory. The USVI is arguably at a greater disadvantage than Puerto Rico because we have to rely on resources coming from Puerto Rico, which is already complaining that they don't have enough resources for its interdiction efforts. Are there any plans in place to increase the resources in the U.S. Virgin Islands, and particularly are there any plans to increase the fast boat kinds of assets in Puerto Rico and the U.S. Virgin Islands?

Admiral LEE. Thank you for the question, ma'am.

First off, we do have plans to replace the 6 aging 110-foot patrol boats that we have stationed in Puerto Rico at the time, which covers that whole area in Puerto Rico and the U.S. Virgin Islands. We are going to—of the first 18 fast response cutters that are going to be delivered, 6 of them will eventually be going to Puerto Rico as soon as we can get the facilities ready to receive them.

With regard to the smaller boats that you referred to, the interceptors, they are already on scene. We have no current plans to increase the number of interceptors in that particular area, ma'am.

Mrs. CHRISTENSEN. Okay. Thank you.

Mr. McAleenan, 4 years ago, Congressman Thompson when he was Chair, took a Congressional delegation of the Homeland Security Committee on a fact-finding mission to the U.S. Virgin Islands to see first-hand what our issues were and to hear from our local as well as the Federal law enforcement officers regarding how—regarding the flow of illegal guns, drugs, and immigrants into the U.S. Virgin Islands, and following that visit, he and the committee urged CBP to start up a Border Patrol unit in the U.S. Virgin Islands. To date, the problems have worsened, and we still don't have a Border Patrol unit dedicated to the U.S. Virgin Islands.

So given the current situation, does CBP plan to place a unit in the USVI? If not, why? Maybe in your answer you could tell us what you have been doing since that time.

Mr. MCALEENAN. I can offer, Resident Commissioner, to get back to you on that. I don't have the current plans for the Border Patrol in front of me. I am sorry.

Mrs. CHRISTENSEN. Okay. Just in closing, all of the Federal agencies are based in Puerto Rico. All of the Federal law enforcement agencies are based in Puerto Rico. We have heard the monumental challenges that Puerto Rico has with drug trafficking and gun violence. So, please, I am begging and pleading with you to make sure that we have enough assets so that the Virgin Islands does not—ensure that the Virgin Islands gets the coverage that we need as well. That is to everyone.

Thank you, Mr. Chairman.

Mr. MCCAUL. Thank you.

The Chairman now recognizes Mr. Pierluisi, with the caution that we have 8 minutes left on the vote.

Mr. PIERLUISI. I see. I have one question for all the panelists, all the witnesses. I please ask you to be brief, because then I have a specific question for Admiral Lee. My first question is when your agencies allocate resources and personnel among U.S. jurisdictions, do you view Puerto Rico and the USVI in the exact same way that you view the States? Put differently, can you state for the record whether you preference U.S. States over U.S. territories in any way or whether you treat them as absolutely the same?

Ms. AYALA. No preference. We treat them absolutely the same.

Mr. MCALEENAN. While the funding mechanisms are different, as we discussed, we treat them absolutely the same in terms of operational need.

General KOSTELNIK. They are the same. But obviously, there are priorities. You talked about priorities in your opening remarks. Obviously, the Southwest Border has been a priority. We are working on various areas. Basically, those priorities are determined by need. Adjustments in our resources are made annually to meet those threats.

Admiral LEE. Yes, sir, we treat them the same, too. But we allocate our resources based on where the primary threat is. That is where we deploy our resources to.

Mr. PIERLUISI. Thank you.

Admiral Lee, between January 2009 and August 2011, Coast Guard sector San Juan interdicted far more drugs than sector Miami, which interdicted no cocaine, and sector Key West, which interdicted no drugs of any type. Yet the Coast Guard devoted significantly more maritime surveillance hours to Miami and Key West than to Puerto Rico. This is not surprising when one considers that the Coast Guard has only four helicopters in Puerto Rico, which is less than Miami, and has no fixed-wing surveillance aircraft stationed on the island. Rather, District Seven has C130s stationed in Clearwater, Florida, and five HC–144s stationed in Miami. Late last year, the District Seven commander was quoted in an official Coast Guard publication as saying that Miami is going to be provided with two additional HC–144s, for a total of 7, and that he hopes, I am quoting, to put some in Puerto Rico, but only after they have been fielded to other Coast Guard districts. In addition, when it comes to boats, the Coast Guard is replacing its Island-class cutters with better Sentinel-class cutters. According to the district commander, the first 6 new cutters are scheduled to be assigned to Miami, the next 6 to Key West, and the Coast Guard will, I am quoting, eventually assign another 6 to Puerto Rico, pending Congressional approval and funding.

Admiral, based on all of this, and I am quoting official documents, is it your testimony that Puerto Rico is being adequately resourced by the Coast Guard both as an absolute matter and relative to other sectors within district 7?

Admiral LEE. That is a very good question, sir, and I hope I can answer it adequately for you. With regard to where we put our forces, we put them where the greatest threat exists. In this particular case, it is about geography. There is more than just a drug threat in the Straits of Florida. As you know, we also have a large,

a very huge migrant interdiction responsibility there also. All of these, combined with the search-and-rescue responsibilities we have, the other adjacent law enforcement responsibilities, compels us to have the force laydown that we currently have. It is not at the detriment of Puerto Rico. We are pushing, of those first 18 FRCs that you are referring to, 6 of them are going to Puerto Rico. In fiscal year 2014, as soon as we can have the piers and the facilities configured for them, they will arrive. We also are currently providing fixed-wing capability in the form of a 144 CASA. It is on scene now right in Puerto Rico. So we are giving you the four helicopters plus that overarching MPA. We desire to continue to resource that.

Mr. PIERLUISI. I appreciate the answer.

One last comment, Mr. Chairman.

Mr. MCCAUL. If you could keep it very brief. We have 3 minutes left.

Mr. PIERLUISI. Okay. So the last comment I make is it is allocating resources. That is what we are saying. You talk about the threat, and I respect that. But I know even if you do not get more resources overall for your particular agencies, there has to be prioritizing here. We are facing a crisis. So we are asking for particular attention until we get back to normal levels.

Mr. MCCAUL. Thank you. I thank the gentleman. I appreciate the testimony. We understand the limited resources you have and what you have to do with them. But we look forward to working with you to prioritize what we call the third border. So thanks for being here today. This committee stands adjourned.

[Whereupon, at 11:15 a.m., the subcommittee was adjourned.]

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