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STATEMENT

OF

**ALAN BERSIN
ASSISTANT SECRETARY
OFFICE OF INTERNATIONAL AFFAIRS
AND
SPECIAL REPRESENTATIVE FOR BORDER AFFAIRS
DEPARTMENT OF HOMELAND SECURITY**

BEFORE

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Chairman Towns, Ranking Member Issa, and distinguished Members of the Committee: I thank you for the opportunity to join today's panel and give testimony on the current state of the southwest border (SWB), and the strategic efforts of the Department of Homeland Security (DHS) to secure the border region, while fostering legitimate travel and trade between the United States and Mexico.

This is a subject critical to our nation, and one with which I have significant personal experience. I served in a similar capacity as Southwest Border Representative for the Department of Justice (DOJ) from 1995-1998, and as the United States Attorney in San Diego from 1993-1998. Perhaps more importantly, I have been a resident on or near the border for 35 years, and have a keen appreciation for the strategic importance and the political intricacies of our relationship with Mexico. Our shared border faces many challenges, centering on eliminating crime that crosses the border.

On April 15, Secretary Napolitano appointed me to serve as Assistant Secretary for International Affairs and the DHS Special Representative for Border Affairs. In this role, the Secretary has asked me to perform several functions that support her strategic vision for a secure border. While this responsibility broadly encompasses all our nation's borders, today I will be addressing issues relevant to the SWB and our work with the Government of Mexico (GOM), and our partner agencies the United States.

As Special Representative, I am responsible for: coordinating implementation of DHS efforts on the SWB; developing new proposals for enforcement; serving, in coordination with the DHS components, as the lead on SWB and Mexico law enforcement issues; representing DHS on the Southwest Border-Merida Interagency Policy Committee (IPC); working closely with the Department of State (DOS) and DOJ to facilitate our agencies' joint missions; and serving as the principal liaison to DOJ for cooperation on SWB law enforcement initiatives.

Since my appointment I have traveled to the SWB and Mexico five times to meet with U.S. officials at the federal, State, local and tribal level, as well as our counterparts in the administration of Mexican President Felipe Calderón. I have also met, on behalf of the Department, with immigrant advocacy groups in El Paso and Tucson; and with civic and business groups in Brownsville, Del Rio, El Paso, Tucson, and San Diego. I have had the chance to meet many of the Senators and Representatives that represent border districts and states, and I look forward to working with those Members who I have not yet had the opportunity to meet. I appreciate the historic significance of our current efforts on the SWB—both in the intensity of the organized crime-generated violence that we are now seeing in Northern Mexico, and in the level of cooperation between our governments in addressing the problem.

Shortly before my appointment as Special Representative for the Border, the Obama Administration announced a major deployment of resources, personnel, and technology to the SWB in what is referred to as the SWB Initiative. Through this initiative, DHS, DOJ and DOS are supporting President Calderón's historic effort to crack down on drug cartels operating in Mexico while preventing violence in Mexico

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from spilling over across the border. In my testimony today, I would like to elaborate on these themes, by explaining the specific initiatives that have occurred since this announcement, our continued cooperation with the Government of Mexico, and the Department's comprehensive approach to securing the U.S.-Mexican border.

SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY

On June 5, Secretary Napolitano—along with Attorney General Eric Holder and the Office of National Drug Control Policy (ONDCP) Director Kerlikowske—announced the *2009 National Southwest Border Counternarcotics Strategy*. This Strategy lays out the Administration's comprehensive, interagency approach for combating the drug trafficking organizations that operate along our border with Mexico. In doing so, the Strategy serves as the top-level framework guiding the Department's efforts to stop guns and bulk cash from flowing south and illicit contraband from being trafficked north.

The Strategy, including its general parameters, was developed pursuant to ONDCP's Reauthorization Act of 2006 (P.L. 109-469). The Act asked the Administration to set forth the U.S. Government's strategy for preventing the illegal trafficking of drugs across the U.S.-Mexico border, and to lay out the roles and responsibilities of the relevant National Drug Control Program agencies. The Strategy identifies the key elements needed to effectively combat the drug cartels. It provides recommendations—or “supporting actions”—for each agency to pursue toward common objectives, addressing nine primary focus areas in separate chapters that include Intelligence and Information sharing, Investigations and Prosecutions, Money, Weapons, and Technology, to name only a few.

The recommendations in the Strategy were developed by a representative interagency team, taking into account input received from State, local, and tribal partners. The strategy also reflects our consultations and ongoing work with the GOM. Per ONDCP's request, the DHS Office of Counternarcotics Enforcement (CNE) and the DOJ Office of the Deputy Attorney General (ODAG) led and coordinated the interagency process. The development of the chapters was chaired or co-chaired by subject matter experts from DHS' Office of Intelligence and Analysis (I&A), DOJ's Drug Enforcement Administration (DEA), Customs and Border Protection (CBP), DOJ's Criminal Division, Narcotic and Dangerous Drug Section, the Department of the Treasury's Internal Revenue Service (IRS), U.S. Immigration and Customs Enforcement (ICE), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), ONDCP Counterdrug Technology Assessment Center (CTAC), the Department of State's Bureau of International Narcotics and Law Enforcement, and CNE. Each team was required to have interagency input, review and consensus.

A few highlights of the Strategy:

- The Strategy sets a course for the Department to improve information and intelligence sharing by better integrating our various collection capabilities, promoting intelligence-driven operations, and ensuring that information is made available for

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direct enforcement activities. The supporting actions recommended by the Strategy aim to establish one common intelligence picture of the southwest border to support more effective law enforcement operations.

- The Strategy includes enhanced interdiction efforts at the ports of entry (POEs), between the POEs, and in response to air and marine threats. Supporting actions in this area include increases or enhancements to personnel, inspection equipment, biometrics, mobile and standardized communications equipment and canine detection capabilities. It calls for establishing a common operating picture to detect suspect aircraft involved in smuggling drugs and other contraband, and to gain better awareness of the land and sea domains. Our interdiction efforts require an interagency approach, and therefore the Strategy also underscores the importance of multiagency task forces and fusion centers, such as the Border Enforcement Security Task Forces (BESTs), the Organized Crime and Drug Enforcement Task Force (OCDETF) and the various Federal, State, and Local agencies working together at the CBP Air and Marine Operation Center.
- Enhanced interdiction efforts are supported by enhanced investigative and prosecutorial capacity. The Strategy provides a number of recommended actions to support our agencies' efforts related to investigations and prosecutions, countering financial crime, and combating weapons smuggling and arms trafficking that fuels the power and violence of drug trafficking organizations and criminal gangs.
- As part of our strategic planning efforts, the Strategy outlines technology development that will support our ongoing enforcement and investigative efforts. An appendix on tunnels maps out the collective, interagency efforts to address the serious challenge of combating the use of tunnels to smuggle contraband across the U.S.-Mexico border.
- Finally, the Strategy features a chapter on our cooperation with Mexico, identifying common priorities across the interagency with regard to the GOM, and explaining how USG efforts to secure the SWB can be complemented by the Mérida Initiative. Our current cooperative efforts with Mexico and the recognition of that partnership are a vital component of any strategy that seeks to confront cross-border organized crime.

The 2009 Southwest Border Counternarcotics Strategy provides a five-year framework for DHS—in concert with its federal, State, local, and tribal partners—to develop and pursue law enforcement aimed at weakening the drug trafficking organizations and criminal groups that operate along the border. My colleagues at DHS and I look forward to working towards full implementation of the SWB Counternarcotics Strategy under the leadership of ONDCP Director Kerlikowske.

IMPLEMENTATION OF THE SWB INITIATIVES

The public announcement of the Administration's major SWB Initiative on March 24th—and the details outlined by the Secretary on April 15 called for strategic redeployments of DHS personnel totaling more than 360 additional officers and agents at

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the border and in Mexico, including: doubling assignments to ICE BESTs; tripling the number of intelligence analysts working at the border; and quadrupling the number of agents designated as Border Liaison Officers who work cooperatively with Mexican law enforcement authorities. DHS also deployed technology and resources to the border, including biometric identification equipment, Z-Backscatter mobile X-ray units—used to help identify anomalies in passenger vehicles, and canine detection teams.

All of these resources have been deployed, and my colleagues on this panel will share some specific results of those deployments. I am now working in close coordination with the DHS operational components to see that our resources are directed in a coordinated manner to achieve the objectives outlined in the SWB Counternarcotics Strategy.

In addition to the SWB initiative, the Department is undertaking a number of steps to achieve the Secretary's objective of confronting organized crime along the U.S.-Mexico border. Under my direction, DHS has established a Border Enforcement Coordination Cell (BECC) at the El Paso Intelligence Center (EPIC) in Texas. Our objective in creating the BECC is to increase the effectiveness of interdiction operations by providing actionable intelligence to our law enforcement partners and agents. The keystone of the BECC's mission is timely and effective information sharing. EPIC provides infrastructure and resources to make this mission possible through the Homeland Intelligence Support Team (HIST). The HIST provides EPIC and other entities on the SWB with timely, tactical intelligence and information collection and requirements management, reporting, analysis, and production. The HIST pushes intelligence to SWB operators, provides daily coverage of noteworthy border threat activity, and serves as a key mechanism to share information with state, local, and tribal law enforcement entities along the SWB.

The BECC is overseen by a coordination board at Headquarters, consisting of the heads of major components within DHS—Acting Commissioner Jay Ahern from CBP, Assistant Secretary John Morton of ICE, as well as the heads of the Office of Operations Coordination and Planning, Intelligence and Analysis, Office of Policy, Intergovernmental Affairs, and the Office of State & Local Law Enforcement.

This coordination board has also undertaken a review of the Southwest Border Contingency plan developed under former Secretary Chertoff. Secretary Napolitano understands that any plan that outlines how DHS will respond to significant incidents along the border must be comprehensive and guided by clearly defined policies and protocols. CBP is currently reviewing the contingency plan to see how it corresponds to existing internal plans. DHS I&A is working to establish a set of “triggers” that would escalate or de-escalate the contingencies contained in the plan.

On June 4, 2009, the Secretary announced the creation of the Homeland Security Advisory Council (HSAC) SWB Task Force, a diverse group of border and national security experts charged with examining the Department's efforts at the U.S.-Mexico border and providing recommendations to the Secretary. The Task Force is chaired by

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former CIA and FBI Director Judge William Webster, and includes former border political and law enforcement leaders, including Sheriff Guadalupe Trevino of Hidalgo County, TX; James Jones, former U.S. Ambassador to Mexico; and Ray Borane, former Mayor of Douglas, AZ.

Border violence generated by the organized smuggling of drugs and aliens remains a serious issue that calls for substantial attention and response. In responding to this issue, it is important to differentiate among categories of violence in order to properly assess threat and design appropriate counter-measures. I attended the inaugural meeting of the taskforce at Sandia National Laboratories in Albuquerque, N.M., where the group stressed that despite the violence occurring in Mexico—among and between drug trafficking organizations and the GOM—U.S. cities along the SWB like El Paso and San Diego remain among the safest cities in America. The task force will present its initial recommendations to the Secretary regarding this topic as well as other matters at the next meeting of the SWB Task Force in August.

COOPERATION WITH THE GOVERNMENT OF MEXICO

On April 1, Secretary Napolitano traveled to Cuernavaca, Mexico with Attorney General Holder to attend a joint U.S.-Mexican conference on arms trafficking. At the conference, the Secretary and Attorney General discussed future joint efforts to prevent firearms from being smuggled from the United States into Mexico. Interagency collaboration and partnerships with Mexican agencies are part of a broader theme of co-responsibility that Attorney General Holder and Secretary Napolitano agree is central to our strategic effort to secure the SWB. Stopping the flow of firearms and bulk cash into Mexico is an important component of the larger strategy to secure our borders from the criminal organizations that use those resources to traffic contraband and perpetrate violence.

To that end, ICE and CBP have stepped up their efforts to interdict southbound smuggling, under DHS authority to enforce export provisions of the Arms Export Control Act (AECA) as specifically designated within 22 CFR 127.4 of the International Traffic in Arms Regulations (ITAR). ICE has intensively deployed resources for Operation Armas Cruzadas—a comprehensive and collaborative effort with the Government of Mexico to identify, disrupt, and dismantle the criminal networks whose livelihood relies on illicitly transporting arms across the border. Under Armas Cruzadas, ICE has implemented numerous activities that promote an intelligence-driven, systematic approach to arms trafficking investigations.

Operation Armas Cruzadas, combined with increased outbound seizures by CBP at the SWB since March, has resulted in 391 criminal arrests, 65 administrative arrests, and the seizure of approximately \$21 million in U.S. currency, 1,628 firearms and 189,446 rounds of ammunition.

Since the SWB announcement on March 24, ICE has established two BESTs in Las Cruces and Deming, New Mexico. More than a DHS program, BEST is a law

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enforcement model which recognizes that confronting the multifaceted threat of border violence requires sharing resources, information, and expertise. BESTs serve as a platform from which interagency—and international—partners can work together to address cross-border crime. The BESTs that exist on our land borders and in major maritime port cities incorporate personnel from ICE, CBP, DEA, ATF, the Federal Bureau of Investigation (FBI), USCG, and the U.S. Attorney's Office along with other key federal, state, local and foreign law enforcement agencies. The Mexican Secretaria de Seguridad Publica (SSP) currently participates in BESTs, and the GOM has agreed to provide representatives to every BEST team on the southwest border.

To further institutionalize the shared responsibility for border management between DHS and the GOM, on June 15th the Secretary signed a Letter of Intent with the Mexican Finance Secretary Agustin Carstens, committing to revise and improve the Declaration of Principles (DOP) and the Bilateral Strategic Plan (BSP). The DOP was originally signed by former Secretary Michael Chertoff and Secretary Carstens on June 8, 2007. This declaration directed DHS and the GOM to implement a Bilateral Strategic Plan between CBP, ICE, and Mexico Customs.

After the signing, the Secretary stated, “the U.S. is a full partner with Mexico and the Calderón administration as we satisfy our twin goals of a secure border and a resilient border that allows legitimate trade and commerce to pass but that keeps out drugs, that keeps out weapons, keeps out the cash that fuels these cartels and... makes certain that the border is safe and secure for those who live there.” A revised DOP and BSP provide the operational framework to make this full partnership possible via cooperation and capacity-building between DHS and Mexico’s border control agencies. CBP, ICE, and Mexico Customs are now working to revise the BSP in a way that invigorates security, enforcement at and between POEs, and emergency response.

The partnership between our border agencies and Mexico Customs is evidence of a historic shift occurring in the Mexican model of border management; a shift away from the traditional focuses of facilitation and revenue-generation towards one of enforcement at and between POEs. In February, Mexico Customs at the Matamoros border crossing introduced Aforos, an advanced Customs Control system that scans southbound passenger vehicles by profile, weight and license plate identification, storing vehicle data for future comparison. The system will give Mexico Customs targeting capabilities to effectively prevent the smuggling of firearms, drugs and bulk cash. When fully deployed to all Mexican land POEs, the system will require all southbound passenger vehicles at the U.S.-Mexico border—and northbound passenger vehicles at its southern border—to undergo an automated vehicle identification process. The system improves the effectiveness of inbound screening in three ways: it reduces the discretionary power of Mexican Customs Officers to waive inspections; allows better coordination with Mexican federal law enforcement agencies; and generates actionable intelligence. The GOM plans to have the Aforos system fully deployed to 20 locations by October 2009, and DHS will work with the GOM to discuss the possibility of sharing intelligence gleaned from the screening process.

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DHS believes that Mexico's increased emphasis on enforcement could very likely lead to violence at POEs, similar to the port running we have long encountered at our own ports. For this reason, DHS proposed the creation of Bi-national Port Security Committees within the framework of the BSP. These port committees, made up of CBP and Mexico Customs officials, will work jointly to respond to violent incidents that occur at POEs.

MÉRIDA INITIATIVE

The Mérida Initiative is the centerpiece of the U.S. Government's security cooperation with Mexico, representing a shared responsibility to eliminate the threat of organized crime that persists not just at the southwest border but throughout the region. The Mérida Initiative is a multiyear program providing assistance to Mexico and Central America in the form of equipment, training, and support for long-term reform that better equips Mexican law enforcement agencies to complete their missions. It is also the long-term vehicle for the capacity building required to expand cooperation between U.S. and Mexican law enforcement agencies.

While a significant amount of the Administration's energy has been focused on the initial work of establishing the bilateral and interagency infrastructure needed to transparently and efficiently implement this initiative, on the ground implementation of Merida programs has begun and is accelerating significantly. To date, \$347 million, or about 74 percent, of the total \$465 million in FY08 Merida funds have been obligated; and required Congressional notifications will soon be submitted in order to obligate FY09 funds.

I recently met with the Narcotics Affairs Section (NAS) at the U.S. Embassy in Mexico, where interagency working groups with representation from State, DOJ, DHS, and myriad others work with their GOM counterparts to determine how to best expend Mérida resources in accordance with our foreign policy and homeland security policy objectives. I came away impressed with these processes and, more importantly, with the high level of interagency cooperation at the Embassy level. I am confident that the right structures are in place to oversee the implementation of Merida programs.

It is important to ensure that DOJ, State, and DHS work cohesively to oversee Mérida at the federal level. I have met with my colleagues at DOS and DOJ—Assistant Secretary for Western Hemisphere Affairs (WHA) Tom Shannon, Deputy Assistant Secretary Roberta Jacobson, and Assistant Attorney General for DOJ's Criminal Division Lanny Breuer—to discuss the future of Mérida and how it relates to ongoing DHS initiatives. Additionally, the Secretary has asked me to be her representative on the Southwest Border-Mérida IPC, which provides a joint decisionmaking body for DOJ, DHS, and DOS leadership. The support provided by the Mérida Initiative will only become more important as we forge a deepening security partnership with Mexico, and it is our responsibility to oversee a program that works efficiently, transparently, and in support of our strategic goals in the region.

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CONCLUSION

The programs I have discussed today portray the extensive cooperation currently underway between DHS and our counterparts in State and local governments, the federal government, and the Government of Mexico. These initiatives are indicative of a deeper, institutional cooperation that is developing across the Department's broad mission set.

Secretary Napolitano has met with her Mexican counterparts, including Secretary of Gobernación (SEGOB) Fernando Gomez Mont, Ambassador Arturo Sarukhan, Attorney General (PGR) Eduardo Medina-Mora, Secretary of Public Safety (SSP) Genaro Garcia Luna, Director of CISEN Guillermo Valdés,, and Alfredo Gutierrez Ortiz-Mena of the Mexican Tax Administration. As a former Governor of Arizona, the Secretary is committed to ensuring that DHS does all it can to cooperate with Mexico in a lawful and appropriate manner against all common threats.

Taken together, all of these initiatives represent a remarkable step in cooperation with the Government of Mexico that was unthinkable ten years ago. DHS is proud to be part of this strategic partnership with our neighbor to the south. We share a responsibility and a commitment to assist Mexico in defeating the criminal elements that have undermined the rule of law, and to ensure that American citizens on our side of the border remain secure from violence generated by them.

Chairman Towns, Congressman Issa, and members of the Committee: Thank you again for this opportunity to testify. I am happy to answer any questions you may have.

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