



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

“SOUTHWEST BORDER; WHERE ARE WE NOW?”

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

Thursday, July 9, 2009 - 10:00 a.m.

INTRODUCTION

Chairman Towns, Ranking Member Issa, and distinguished Members of the Committee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in securing the border through the investigation and enforcement of the nation's immigration and customs laws.

As the primary investigative agency in the Department of Homeland Security (DHS), ICE protects national security and upholds public safety by targeting transnational criminal networks and terrorist organizations that might exploit potential vulnerabilities at our borders. Partnerships are essential to this effort, and ICE works closely with its domestic and foreign partners at the federal, state, local, territorial, and tribal level to create a united front to secure the border and dismantle transnational criminal organizations.

ICE targets organizations that exploit legitimate trade, travel and financial systems, using all of our enforcement authorities to ensure that cross-border crime is attacked from every possible angle. Indeed, the recent escalation of violence by drug cartels and other criminal organizations just over our border with Mexico demonstrates the importance of this mission. As Secretary Napolitano recently testified, the violence in Mexico is not solely an international threat; it is a homeland security issue in which all Americans have a stake.

The cartels that Mexican authorities are battling are the same criminal organizations that put drugs on our streets, fueling violence and crime. Illegal drugs,

money and weapons flow both ways across our border and inextricably link U.S. and Mexico efforts to combat the drug cartels. Our two countries share a nearly 2,000 mile-long border, billions of dollars in trade, a commitment to democracy, and the need to prevail against transnational organized crime.

The violence along our Southwest border requires a comprehensive, multifaceted, and collaborative effort. On March 24, DHS announced new plans designed to crack down on Mexican drug cartels through enhanced border enforcement. Additional personnel, increased intelligence capability, and better coordination with federal, state, local, and Mexican law enforcement authorities to target illegal guns, drugs, and cash have already resulted from this initiative.

Since the March announcement we have seen significant increases in seizures of drugs and currency compared to the same time period in 2008. For example, during the period between the March 24th announcement and June 23, 2009, ICE and CBP together have seized 8,247 pounds of cocaine (up 8 percent from the same time period in 2008), 1.2 million pounds of marijuana (up 39 percent), 2,008 pounds of methamphetamine (up 68 percent), 412 pounds of heroin (up 48 percent), and \$31 million in U.S. currency (up 40 percent). During this time frame ICE has increased its case initiations by approximately 28 percent as compared to the same time last year and has made 1,169 arrests (803 criminal arrests and 366 civil immigration arrests), including arrests of 274 recidivist criminal immigration violators; and was responsible for investigating cases resulting in 278 convictions for a broad range of border crimes including drug, weapons, and human smuggling. Finally, through agents stationed in Mexico, ICE assisted

Mexican authorities in making arrests of three significant Gulf Cartel members and a high ranking Los Zetas Cartel member during this period.

On June 5, Secretary Napolitano, Attorney General Holder and the Office of National Drug Control Policy (ONDCP) Director Kerlikowski, released the 2009 National Southwest Border Counternarcotics Strategy, which detailed the Administration's collective approach to stem the flow of illegal drugs and their illicit proceeds across the Southwest border and reduce associated crime and violence in the region.

PARTNERING WITH FEDERAL, STATE, LOCAL, TERRITORIAL AND TRIBAL LAW ENFORCEMENT

The partnership between federal, state, local, territorial, and tribal law enforcement in the border region is essential to securing our nation against the threat of cartel violence. Law enforcement agencies at all levels of government have significant roles to play both in addressing the current border violence and in preparing for scenarios where violence in Mexico could further impact the United States. Law enforcement agencies at the state, local, territorial, and tribal level have long fought border violence and have deep operational knowledge of the border region. Confronting a multifaceted threat like border violence means that federal agencies must constantly collaborate and coordinate with our state, local, territorial, and tribal partners by sharing resources and information.

With this in mind, ICE continues to work with its federal partners to collaborate with state and local governments in various ways. For example, in 2006, DHS created the Border Enforcement Security Task Force (BEST) initiative, which is a series of ICE-

led multi-agency task forces developed to leverage federal, state, local, tribal, and foreign law enforcement and intelligence resources in the effort to identify, disrupt and dismantle criminal organizations posing significant threats to border security. The task forces are designed to increase information sharing and collaboration among the agencies combating this threat on both sides of the border. The 15 BESTs, including two recently stationed in Las Cruces and Deming, New Mexico, include the participation of ICE; Customs and Border Protection (CBP); the U.S. Coast Guard; the DHS Office of Intelligence and Analysis; the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); the Federal Bureau of Investigation (FBI); applicable U.S. Attorney's offices; and state and local law enforcement agencies. Mexican law enforcement agencies also participate in BEST, and the government of Mexico has agreed to provide representatives to every BEST team on the Southwest border.

The BEST model has been successful. ICE, with the help of our partners, has cracked down on arms trafficking, human smuggling, bulk cash smuggling, and drug smuggling organizations. These efforts have disrupted cartel operations in both the United States and Mexico. Moreover, ICE's results clearly demonstrate the effectiveness of the BEST operational platform. Since July 2005, matters involving BEST teams, working in conjunction with DOJ and other law enforcement agencies, resulted in 4,240 criminal arrests, 3,531 administrative arrests, 1,901 indictments, and 1,292 convictions. In addition, these efforts have resulted in the seizure of approximately 10,348 pounds of cocaine, 187,843 pounds of marijuana, 829 pounds of methamphetamine, 103 pounds of crystal methamphetamine, 1,257 pounds of ecstasy, 255 pounds of heroin, 97 pounds of

hashish, 22 pounds of opium, 2,580 weapons, 870 vehicles, seven properties, and \$26.3 million in U.S. currency and monetary instruments.

One recent success story is exemplified through a joint investigation between ICE, ATF, and the El Paso Police Department, which led to the indictment of four individuals attempting to purchase and illegally export weapons and ammunition out of the United States. The weapons they attempted to purchase and smuggle included 300 AR-15/AR-16 rifles, 300 short-barrel .223 rifles, 10 Barrett .50 caliber rifles, two 40 millimeter grenade machine guns, 10 .45 caliber handguns with silencers, 10 .40 caliber handguns with silencers, and a large amount of ammunition of various calibers. The firearms would have had a total street value of over \$500,000.

Given the success of the BEST model, ICE has shifted investigators to these task forces and doubled the number of agents working on BESTs from 95 to 190. This greatly expands our ability to work with state and local law enforcement on cartel-related crime occurring on the U.S. side of the border.

ICE AND ATF JUNE 30, 2009, MEMORANDUM OF UNDERSTANDING

ICE and ATF appreciate and respect each other's complementary authorities. When ICE and ATF join forces through joint investigations, or in the BESTs, both agencies bring balanced authorities to any investigation.

The June 30, 2009, Memorandum of Understanding between ICE and ATF establishes the clear roles that both agencies have over domestic and international trafficking of firearms, ammunition, explosives, weapons, and munitions. The agreement

recognizes that both law enforcement agencies are actively engaged in the fight against persons and criminal organizations involved in violent crime and gun trafficking.

STRENGTHENING PARTNERSHIPS TO FIGHT DRUG TRAFFICKING

On June 18, 2009, ICE and DEA entered into a new interagency agreement to increase the number of agents targeting international drug traffickers, improve and enhance information and intelligence sharing, and promote effective coordination between the agencies.

This agreement will enable ICE Assistant Secretary Morton to select an unlimited number of ICE agents available for DEA cross-designation to investigate violations of the Controlled Substances Act, 21 U.S.C. § 801, et seq., (“Title 21”) with a clear nexus to the United States border in coordination with DEA. The agreement makes clear, however, that, overseas, DEA remains the focal point with foreign law enforcement officials on drug law enforcement operational and intelligence matters. However, ICE’s coordination with DEA on operational foreign drug investigative activities does not connote DEA’s supervision of those investigative activities. Instead, DEA’s review of the planned foreign drug investigative activities ensures the compliance with the Interagency Cooperation Agreement and prevents conflict with other ongoing investigative matters. In this context, DEA’s serving as “the single point of contact” for those aspects of a drug investigation conducted in a foreign country is not synonymous with DEA assuming oversight responsibilities with respect to the overall objectives and strategies of that drug investigation. Accordingly, the agreement recognizes the importance of the U.S. Government providing a unified voice and presenting a completely integrated drug

enforcement policy to all foreign agencies. ICE and DEA will fully share information electronically through the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, which will allow ICE, DEA, the FBI, and other participating agencies to access each other's case information as appropriate and more effectively target criminals.

WORKING WITH MEXICAN AUTHORITIES

Assisting Mexico in its battle against drug violence requires strong coordination with the Mexican government and law enforcement to ensure that Mexico and the U.S. are cooperating effectively to combat this transnational threat. ICE continues to engage Mexican authorities on a number of levels in our joint efforts to combat border violence.

ICE's Border Liaison Officer (BLO) program, for instance, allows ICE to more effectively identify and combat cross-border criminal organizations by providing a streamlined information- and intelligence-sharing mechanism. The BLO program creates an open and cooperative working relationship between the U.S. and Mexican law enforcement entities. ICE has recently quadrupled the number of officers in the BLO program by redeploying agents to the Southwest border.

ICE currently partners with the Government of Mexico on Operation Armas Cruzadas, which cracks down on cross-border arms smuggling. The ICE Attaché Office in Mexico City coordinates with vetted Special Investigative Units of Mexican law enforcement officers. Both ICE and ATF will work closely with these vetted units to assist them investigate and prosecute border crimes such as smuggling and firearms trafficking.

We have also strengthened our coordination with the Government of Mexico by increasing ICE Attaché personnel in Mexico by 50 percent, and sending additional special agents to Mexico. Through our Attaché in Mexico City and associated sub-offices, ICE assists in efforts against transnational drug trafficking, weapons smuggling, human smuggling, and money laundering syndicates in Mexico. ICE Attaché personnel work on a daily basis with Mexican authorities to combat these transnational threats, and these efforts have been enhanced by additional officers.

ILLEGAL WEAPONS AND BULK CASH SMUGGLING INTO MEXICO

A large number of weapons recovered in Mexico's drug war are smuggled illegally into Mexico from the United States. Clearly, stopping this flow must be an urgent priority.

President Calderón of Mexico has identified the illegal flow of weapons from the United States as one of the biggest security threats to his country. Stopping weapons smuggling is a particular challenge, both because of the nature of the southwest border and because much of the smuggling occurs in small shipments of a few weapons at a time. ICE is uniquely positioned to address this challenge.

In June 2008, ICE, along with CBP and other federal, state and local partners, launched Operation Armas Cruzadas. Under Armas Cruzadas, ICE has taken an intelligence-driven, systematic approach to arms trafficking investigations. As part of this effort, ICE initiated a Weapons Virtual Task Force to create virtual communities where law enforcement can rapidly share intelligence and communicate in a secure

unclassified environment through the Homeland Security Information Network (HSIN). ICE plans on working with a vetted Arms Trafficking Group of Mexican officers.

Since its inception, Operation Armas Cruzadas has resulted in the seizure of 1,595 weapons, more than \$6.4 million, and 180,663 rounds of ammunition and the arrest of 386 individuals on criminal charges resulting in 117 criminal indictments and 64 convictions. In addition to addressing weapons smuggling, ICE has partnered with CBP to combat the illegal movement of cash across the Southwest border. One reason drug cartels pose such a dangerous threat is their extensive monetary resources. The U.S. must interrupt that illegal flow of money. Operation Firewall, led by ICE, addresses bulk cash smuggling. ICE targets those individuals and organizations that exploit vulnerabilities in financial systems to launder illicit proceeds.

Following its inception, Operation Firewall produced immediate results. On the first day of operations in 2005 at the Benito Juárez International Airport in Mexico City, Mexican authorities seized \$7.8 million en route to Cali, Colombia concealed inside deep fryers, rotisseries, and voltage regulators. Other notable seizures include \$7.3 million seized inside rolls of fabric and plastic and \$4.7 million concealed inside air conditioning equipment and metal piping destined for Colombia. Since its inception, Operation Firewall has resulted in the seizure of over \$210 million, including over \$65 million seized overseas and 475 arrests.

On June 26, 2008, Rafael Ravelo, a member of a Mexican-based drug trafficking organization, was sentenced to 126 months of incarceration and ordered to forfeit nearly \$1.15 million. This sentence was the result of the ICE-led Operation Doughboy, an Organized Crime Drug Enforcement Task Force (OCDETF) investigation that was

initiated prior to Operation Firewall, based on a bulk cash smuggling interdiction. This joint U.S./Mexico investigation involved the monitoring of 18 phone lines of the heads of a Mexican drug trafficking organization and began when ICE agents in 2003 successfully linked a \$149,000 bulk cash seizure by the Texas Department of Public Safety to the drug trafficking organization.

ICE also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries exchange import and export data and financial information. ICE's efforts led to more than \$50 million in cash seizures in Fiscal Year 2008.

HUMAN SMUGGLING AND TRAFFICKING

Criminal smuggling and trafficking organizations are not constrained by international borders, operating in countries of origin, transit countries, and destination countries such as the United States. ICE proactively attacks groups engaged in human smuggling and trafficking by initiating investigations beyond the U.S. borders. Organizations can charge thousands of dollars to smuggle aliens into the U.S., including those individuals who could pose a threat to the country. Accordingly, ICE works aggressively with non-governmental organizations to identify trafficking victims, bring smugglers and traffickers to justice, and increase public awareness of modern-day slavery.

ICE recognizes that success in combating alien smuggling, trafficking in persons, and criminal support to clandestine terrorist travel requires working with other agencies

in order to turn intelligence into action. ICE is a major participant in, and supporter of, the interagency Human Smuggling and Trafficking Center (HSTC), which targets human smugglers, human traffickers, and terrorist travel facilitators. Indeed, the Director of the HSTC is an ICE Supervisory Special Agent.

ICE has identified various methods and routes used by criminal networks to smuggle people into the United States. To target these smuggling methods and routes, ICE and DOJ formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006 and combined our investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based criminal travel networks. Complementary to the ECT program is the pivotal role ICE continues to play as a co-chair of the targeting project of the Interagency Working Group on Alien Smuggling. By working with our partners in the intelligence community, we identify and target the most dangerous international human smuggling organizations for investigation and prosecution, especially those that pose a threat to our national security. Much of the work is classified, but the effort has led to a number of significant prosecutions since 2001.

In August 2006, the ECT Strike Force initiated an alien smuggling investigation of Mohammed Kamel Ibrahim and Sampson Boateng for smuggling aliens from Ethiopia, Eritrea, and Somalia. These men were responsible for recruiting aliens, establishing travel routes, and facilitating the aliens' transportation into the United States. Additionally, these men obtained both fraudulent and genuine travel documents for the smuggled aliens from a corrupt foreign government official. As a result of our

investigation, Ibrahim and Boateng pleaded guilty to alien smuggling violations and were sentenced to prison in early 2009.

CONCLUSION

ICE is committed to working with this Committee and Congress to address the significant challenges we face to secure the border through the enforcement of our nation's immigration and customs laws. I thank the Committee for its support of ICE and our law enforcement mission.

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