

Statement

Of

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Maritime and Counterterrorism

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Chairwoman Sanchez, Congressman Souder and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you and provide testimony on the role that DHS is playing in addressing border violence, and the strategies and resources that the Department can bring to this important mission. The United States and our Mexican neighbors are bound together by cultural ties, social and economic links, a shared tradition of democracy, and a mutual respect for the sovereignty and territorial integrity of individual states. We are further joined together by a determination to protect our region from trans-national threats, such as terrorism and organized crime. As the Department of Homeland Security (DHS) Attaché at the U.S. Embassy in Mexico City, I am directly involved in the Department's efforts to cooperate with the Government of Mexico (GOM) on a number of homeland security issues. This issue is especially important to me because I am originally from Texas and have spent much of my career in Texas and Arizona. It is an honor to be invited to come before you and share my perspective on what is happening in Mexico.

### *Role of the DHS Attaché*

First, I would like to take a moment to discuss my basic responsibilities in Mexico City. I arrived in-country on July 9, 2008, and am the first ever DHS headquarters-level Attaché deployed in Mexico and one of a small handful of DHS headquarters-level Attaché deployed worldwide. DHS is also represented by component Attaché offices from Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), U.S. Secret Service (USSS), U.S. Citizenship and Immigration Services (USCIS), Transportation Security Administration (TSA) and U.S. Coast Guard (USCG). Mexico City is the only Embassy with six of the seven operational components of DHS represented. In total, DHS has over 50 personnel in Mexico.

As the DHS Attaché, I am Secretary Napolitano's direct representative at the Embassy in Mexico. I advise the State Department Chief of Mission on policy matters related to DHS's mission work with relevant Mexican institutions, and promote DHS goals and objectives related to border, port and transportation security, civil emergency preparedness, critical infrastructure protection, information sharing, immigration and customs enforcement, law enforcement training, and the security applications of science and technology. I am a member of the Senior Leadership of the Embassy and the Counter-Terrorism Information Group and I participate in weekly Law Enforcement and Border Working Group meetings. I also accompany Senior DHS leadership during their visits to Mexico.

In short, I am the point of intersection between DHS headquarters in Washington DC, DHS components in Mexico City, our US interagency partners residing at the Embassy and officials in the Government of Mexico. I serve to ensure that all these pieces are connected, providing policy and strategic guidance so that DHS is integrated into broader US Government engagement in Mexico.

### *The Current Situation in Mexico*

Nearly every day media outlets report on the violence that results from transnational criminal organizations operating along the U.S.-Mexican border. Some of you may have watched

Secretary Napolitano's recent interview with Anderson Cooper on '60 Minutes' which addressed this very topic. As Secretary Napolitano told the Homeland Security Committee on February 25th, "Mexico right now has issues of violence that are a different degree and level than we've ever seen before."

The violence we observe along the southwestern border is the result of transnational criminal organizations that wage war against each other and those who attempt to stop their illicit activities. These trafficking groups execute with impunity; killing not only members of competing organizations, but also police officers and soldiers who are attempting to protect Mexican citizens from crime and ensure a strong and economically viable Mexico. The Administration of Felipe Calderon has taken serious and courageous steps to combat this violence and to stem the drug trade which fuels it, but in many cases the drug cartels are better-financed and better-armed than law enforcement and security agencies.

It is also the case that cross-border criminal organizations recognize that routes used to traffic narcotics and people northward offer opportunities to traffic guns and bulk cash southward. DHS considers the risk that these cross-border smuggling routes could be used by terrorist organizations to be a high priority. In the near term, the drug violence along the U.S. southwestern border challenges our own law enforcement agencies to ensure the integrity of the border and to protect American towns and cities while ensuring the legitimate flow of goods and people across the border.

Neither this criminal phenomenon, nor the violence that follows, recognize borders. In February, 2009, 755 criminals living in the United States who are allegedly tied to a major Mexican drug trafficking organization were arrested. Defeating this transnational challenge requires a commitment by both Mexico and the United States to take historic steps to fight our common threat.

### *Mexican Efforts*

President Calderon has taken decisive and historic steps against transnational criminal organizations. He has not only directed federal and local enforcement agencies to focus their resources fighting transnational criminal organizations, but has even drawn on the Mexican Military to assist civil enforcement efforts. Calderon has also taken monumental steps to eliminate corruption, modernize Mexican institutions, and professionalize staff. Additionally, the Government of Mexico is running joint military-law enforcement anti-drug operations in ten states, and some 27,000 troops are specifically involved in counter drug activities, including eradication and interdiction. His national security team has seized record amounts of cash, drugs and guns -- but the battle intensifies. The Calderon administration has spent billions of dollars on these efforts and yet, according to media reports, thousands of Mexican nationals have lost their lives as a result of the cartel's violent reaction to Calderon's fight against dangerous criminal groups.

The violence in Mexico appears to be directly tied to Calderon's success in confronting the transnational criminal organizations in Mexico, rather than an indication of the Government of Mexico's inability to maintain control over its territory. While the violence and lawlessness along the border represent a challenge to Mexican security, the swift and unrelenting resolve of

the Calderon Administration should put to rest any doubts about the Mexican government's ability to respond to the challenges it faces.

Mexico is a multi-party democracy, where political power changes in accordance with internationally-recognized election results. Along with many other countries, Mexico is facing the challenges posed by transnational criminal organizations. President Calderon and senior members of his government recognize that some of Mexico's institutions, including law enforcement and the judiciary, will need to modernize to meet these challenges and the United States is committed to support them.

### *DHS Effort*

In her hearing before the Homeland Security Committee on February 25<sup>th</sup>, Secretary Napolitano outlined the four actions we must take to address border violence. First, she stated that, "interaction with Mexican law enforcement, particularly the federal government of Mexico" is vital to address the drug war. Secondly the Secretary said we must look "government-wide at what we can do to stop the southbound export of weaponry." While this effort must certainly focus on the trafficking of small arms, which accounts for the majority of the illicit weapons trafficked, the Secretary went on to say we must also seek to stop the trafficking of "assault-type weapons and grenades that are being used in that war." Third, Secretary Napolitano emphasized the need for cooperative efforts and constant interaction with local law enforcement. And finally, the Secretary noted the need for a contingency plan for worst-case scenarios.

In support of the Calderon Administration's historic efforts, and in recognition of our own responsibilities for confronting transnational organized crime, the United States Government is also taking extraordinary steps to fight this scourge. DHS' statutory customs and immigration authorities, its operational capabilities and expertise, and its strategic placement along the border make DHS a key part of identifying, interdicting and investigating criminal activity. With this mission set, DHS has undertaken a number of successful cooperative efforts and initiatives with the GOM to assist in confronting drug violence on the U.S.-Mexican border.

I would like to take this time now to highlight a few of our DHS efforts to strengthen the integrity of the U.S.-Mexico border. While most of these programs are not solely aimed at decreasing border violence, they all aim to stop the criminality at the border which is the precursor to much of the violence we are now seeing:

### Border Enforcement Security Task Force (BEST)

DHS initiated the Border Enforcement Security Task Force (BEST) program in 2006 as a key DHS approach to combat cross-border criminal activity and violence along our southern border with Mexico. DHS adopted the initiative to bring together federal, state, local and foreign law enforcement resources in an effort to identify, disrupt, and dismantle organizations seeking to exploit vulnerabilities along the southern border and threaten the overall safety and security of the American public. A variety of U. S. enforcement agencies participate in these task forces: ICE (as the lead agency); CBP; DHS' Office of Intelligence and Analysis (I&A); the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Federal Bureau of Investigation (FBI); the U.S. Coast Guard (USCG); the U.S.

Attorney's Office; and federal, state, local and foreign law enforcement. The result is a cooperative and comprehensive approach towards combating criminal organizations involved in cross-border crimes. The Government of Mexico has agreed to assign full-time representatives to each of the BESTs along the southern border.

DHS now has 12 BESTs: eight on the southwest border; two on the northern border; and two at seaports. Through the BEST model, DHS has dismantled arms trafficking, human trafficking, bulk-cash, alien and narcotics smuggling organizations and their hostage-taking and murder/kidnapping cells in the United States and Mexico. Since July 2005, the BESTs have been responsible for 2,034 criminal arrests, 2,796 administrative arrests, 885 indictments, and 734 convictions. In addition, BESTs have seized approximately 7,704 pounds of cocaine, 159,832 pounds of marijuana, 558 pounds of methamphetamine, 39 pounds of methamphetamine, 1,023 pounds of ecstasy, 213 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 515 weapons, 745 vehicles, six properties, and \$22.7 million in U.S. currency and monetary instruments.

#### Homeland Security Intelligence Support Team (HIST)

The DHS Homeland Security Intelligence Support Team (HIST) was established in the El Paso Intelligence Center (EPIC) in the Fall of 2007 to ensure the application of national intelligence capabilities to support border operations, to strengthen intelligence and information sharing among federal, state and local partners, and to help ensure that front-line operators have access to the intelligence they need to efficiently perform their duties. In addition to the deployment of DHS intelligence professionals to EPIC, DHS I&A is deploying reports officers and classified computer networks to key locations along the southwest border. The purpose is to enhance DHS's ability to rapidly and efficiently share critical intelligence with those who need it most, and significantly increase our analytic focus on border security issues.

#### Operation Against Smugglers Initiative on Safety and Security (OASISS)

Since August 2005, CBP has worked closely with Mexican officials in a bilateral alien smuggler prosecutions program called Operation Against Smugglers Initiative on Safety and Security (OASISS). OASISS is a joint initiative between the United States and Mexico that enables both governments to share information and prosecute smugglers for crimes committed in the border region. Through OASISS, both governments are able to track and record prosecution efforts on each side of the border and work together to make the strongest case against these criminals. The OASISS program has had a significant and positive impact on operations, and has furthered smuggling investigations both in the United States and Mexico.

During the first full fiscal year (FY06-FY07) of the OASISS program, the number of alien smuggling cases generated decreased 12%, as well as the number of smugglers prosecuted, which also decreased 70% during the same time period. This decrease is a direct reflection of the success of the OASISS program as a tool to prevent and, especially, to deter human smuggling along the southwest border.

## Bulk Cash Smuggling

Secretary Napolitano stressed the importance of money in reining in the activity of organized criminal elements along the border, telling the Homeland Security Committee, “You have got to go after the money. You have to interrupt that chain of money that goes in the millions of dollars back and forth with these cartels.” ICE has a number of programs to address the problem of bulk cash smuggling. One of these – “Operation Firewall” – addresses the threat of bulk cash smuggling via commercial and private passenger vehicles, commercial airline shipments, airline passengers, and pedestrians transiting to Mexico along the southern border. ICE and CBP have conducted various Operation Firewall operations with Mexican counterparts. ICE is working to expand existing Operation Firewall operations to designated locations in the near future, including additional border crossing locations along the southern border with Mexico. All significant Operation Firewall seizures result in criminal investigations with the goal of identifying the source of the funds and the responsible organizations.

ICE has also recently established a Trade Transparency Unit (TTU) with Mexico, located in Mexico City. The mission of the TTU is to identify cross-border trade anomalies, which are indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries work to facilitate the exchange of import/export data and financial information. The establishment of our TTU with Mexico was completed in May 2008. ICE has provided, and will continue to provide, Mexico TTU representatives with in-depth training on the Data Analysis and Research for Trade Transparency System (DARTTS). ICE has already installed the system, has provided expert technical support, and will continue to do so as needed. Mexican TTU representatives have identified potential criminal targets involved in crimes such as tax evasion, customs fraud, and trade-based money laundering. The establishment of the TTU in Mexico City will benefit both Mexico and the United States in their efforts to combat criminal organizations.

In Fiscal Year (FY) 2008, ICE’s efforts through these programs resulted in 16 arrests, and 24 seizures resulting in \$53,097,485.00. On January 29, 2009, ICE Attaché Mexico City agents and the Mexican Customs Vetted Unit trained in Operation Firewall seized approximately \$2.4 million in U.S. currency from an Ecuadorian citizen at the Benito Juarez International Airport in Mexico City.

## Firearms Trafficking

ICE and CBP have the 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’s investigative priority is to prevent violent transnational criminal organizations—terrorist groups, drug cartels, and other criminal entities—from illegally obtaining U.S. origin munitions and related technology. CBP is charged with ensuring—through inspection, interdiction, and other enforcement actions—that weapons and munitions do not cross the border illegally.

CBP, ICE, ATF, and the DEA have developed a joint strategy referred to as the Southwest Border Trafficking Initiative, which is aimed at identifying and disrupting the illicit cross border trafficking of firearms and ammunition. As part of this strategy, the interagency group has agreed upon broad principles to identify, investigate, and interdict the illicit cross-border trafficking of firearms and ammunition into Mexico. Discussions are ongoing to address more detailed procedures regarding the coordination of multi-agency operations and information sharing. The initiative's strategy is based on three pillars: analysis of firearms-related data, information sharing, and coordinated operations.

In June 2008, ICE formally launched Operation Armas Cruzadas to combat transnational criminal networks smuggling weapons into Mexico from the United States. As part of this initiative, the United States and the Government of Mexico agreed to bi-lateral interdiction, investigation and intelligence-sharing activities to identify, disrupt, and dismantle networks engaged in weapons smuggling. ICE has provided training in appropriate weapons laws and methods used to combat transnational smuggling; used its Project Shield America outreach program and made presentations to groups involved in the manufacture, sale, or shipment of firearms and ammunition along the southwest border; and used a Border Violence Intelligence Cell (BVIC). The initiation of Operation Armas Cruzadas has resulted in 104 criminal arrests, 30 administrative arrests, 58 criminal indictments, 42 convictions and in the seizure of 420 weapons and 110,894 rounds of ammunition.

ICE has also created a Weapons Virtual Task Force (WVTF), a cyberspace task force comprised of the vetted Arms Trafficking Group, BVIC, ICE Field Intelligence Groups (FIG), and BEST teams, which will post daily investigative information through the Homeland Security Information Network (HSIN). The WVTF will leverage the capability to communicate and share critical information regarding criminal conspiracies involving financing, acquisition, and smuggling of weapons across the common U.S.-Mexico border. HSIN will allow online real-time access to information on daily firearms seizures and arrests conducted by ICE, CBP and the GOM, and will create virtual communities where law enforcement officers can share intelligence and communicate in a secure environment.

In September 2008, CBP partnered with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in a Memorandum of Understanding (MOU) regarding eTrace, ATF's internet-based paperless firearm trace submission system and trace analysis module. This application provides CBP with the ability to electronically submit firearms trace requests to ATF's National Tracing Center (NTC). It also provides CBP with the ability to analyze trace results using NTC data. Information acquired through the firearm tracing process can be utilized to solve individual cases, to maximize the information available for use in identifying potential illegal firearms traffickers, and to supplement the analysis of criminal gun trends and trafficking patterns.

### Drug Trafficking

Both CBP and ICE have significant responsibility in the interdiction of illicit drugs and contraband that cross U.S. borders, whether at or between ports of entry. DHS also has the authorities and expertise to investigate these international smuggling organizations, while

working with our foreign counterparts and U.S. partners such as DEA and ATF. DHS equities support multi-agency U. S. efforts via Joint Interagency Task Force-South (JIATF-S) operations to interdict the flow of cocaine from South America to the United States.

DHS continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities. Of particular note is the work being accomplished by the CBP Air and Marine Operations Center (AMOC) in Riverside, California. Information is fed to the AMOC through a network of airborne early warning, aerostat, Federal Aviation Administration (FAA) radar, and ground based radar systems. Personnel at the AMOC detect aircraft “short landings” and border penetrations and coordinate CBP Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S.-Mexican border.

### Bilateral Strategic Plan

In August 2007, Mexican Customs, ICE and CBP signed a Bilateral Strategic Plan to fight trans-border crime. The Bilateral Strategic Plan strengthens cooperation in matters related to law enforcement by expanding existing institutional cooperation mechanisms and establishing new programs of collaboration designed to fight trafficking and smuggling of prohibited goods, fraud, and related crimes. The plan establishes four working groups addressing capacity building, border management, customs security, and law enforcement. All four working groups were formally launched in November 2007. The working groups will expand on existing cooperation to coordinate and implement joint security initiatives, efficient border management, integrity and capacity building assistance and joint enforcement and interdiction initiatives. The goal of these efforts is to enhance the security of our southern border with Mexico.

### Border Violence Protocols (BVP)

On March 3, 2006, a bi-national action plan to combat border violence and improve public safety was signed by Secretary Chertoff and his counterpart in Mexico. This action plan set forth goals and objectives to ensure the appropriate law enforcement agencies of the respective governments work together to provide an effective, comprehensive joint response to incidents of cross-border violence and crime. In response to this plan, CBP created a headquarters bi-national working group to oversee the development and implementation of Border Violence Protocols (BVPs) along the southwest border. The BVPs have now been instituted along the entire U.S.-Mexico border and are working effectively. At the local level, the BVPs have instituted monthly meetings between the U.S. Government, the GOM, as well as state and local law enforcement officials to further develop the working relationships between both countries. The Border Violence Protocols are another example of how the United States and Mexico are working closely together to create a safer and more secure border region.

### Non-Intrusive Inspection Technology (NII)

CBP employs Non-Intrusive Inspection Technology (NII) at all land ports of entry and Border Patrol Checkpoints. This technology ensures a large percentage of conveyances are examined for contraband, in a non-intrusive manner, while permitting the smooth flow of legitimate trade

and travel. While it would require four officers approximately four hours to unload and thoroughly examine a commercial conveyance full of cargo for contraband, a large-scale NII system can produce x-ray images of the conveyance and cargo permitting two officers to conduct an examination for contraband in a matter of three to five minutes. This technology also prevents unnecessary damage to conveyances and cargo caused by manual methods of inspection and allows the officers utilizing the technology to see into areas that otherwise cannot be examined. This technology not only helps to ensure that illegal contraband does not cross the border but also assists us in keeping our country safe from weapons of mass destruction. Under the Mérida Initiative, we are hoping to expand the use of this equipment by the GOM in order to expand both countries' interdiction efforts and ensure that our border is not the only line of defense against illicit materials.

### Maritime Security

The USCG has a number of cooperative programs with Mexico, including maritime law enforcement, port security, search and rescue, environmental response, and other programs that often involve the Mexican Navy. Cooperation in these areas was formalized through a Letter of Intent signed by the Secretary of the Mexican Navy, the Commander of NORTHCOM, and the Commandant of the Coast Guard. In recent months the Coast Guard has seen a significant increase in the level of cooperation with the Government of Mexico in obtaining authority to stop, board, and search Mexican flagged vessels (or vessels claiming Mexican nationality) suspected of drug smuggling. This includes recent cases in which the Mexican Government authorized a boarding in less than two hours after the ships were encountered. The efforts of our Coast Guard Attaché in Mexico City, in working with his Mexican counterparts, have greatly contributed to the enhanced cooperation and the establishment of a stronger working relationship with Mexico on countering drug smuggling. The United States and Mexico's participation in summits with other regional partners, agreement on Standard Operating Procedures, exchanges of information about each nation's respective laws applicable to maritime drug smuggling, and sharing of experiences in maritime counterdrug operations continue to strengthen further the working relationship between our two countries.

### Southwest Border Violence (SWB-V) Operations Plan (OPLAN)

In her testimony on February 25th, Secretary Napolitano noted the need to prepare for worst-case scenarios of border violence escalation. For such events, DHS has its Southwest Border Violence (SWB-V) Operations Plan (OPLAN). The OPLAN, which will be addressed by my colleague in more detail, is the result of an extensive interagency planning effort. In a crisis situation, the Department may have to augment the capacity of its component agencies. As Secretary Napolitano told the Homeland Security Committee, in the event that spillover violence occurs, "we do have contingency plans to deal with it. But it begins with state and local law enforcement on our side of the border. We support them as the first step in that contingency plan, should we see that kind of major spillover."

The OPLAN provides a layered response capacity to provide the appropriate level of intra-departmental and/or interagency support to DHS components. The plan builds on the existing plans that rely on federal, state, local, and tribal coordination.

The list above is not exhaustive. Even if I could provide an exhaustive list of DHS programs which impact border integrity and mitigate border violence, no list could fully capture the day-to-day efforts of the DHS heroes who put their lives in jeopardy every day to ensure the security of our homeland. Their efforts to stop crime and violence along the borders of the United States are laudable.

### *The Mérida Initiative*

The U.S. Government tailored the Department of State-led Mérida Initiative to provide our foreign partners with the specific tools they each need to fight transnational organized crime and work cooperatively with the United States. Through an interagency working group led by the State Department—which facilitated discussions with Mexico and Central American officials and coordination with United States Government officials in those countries—interagency subject matter experts assessed the needs of each country and proposed specific items to aid efforts against cross-border criminals.

DHS views the Mérida Initiative as a crucial vehicle to facilitate cooperation and capacity building between the U.S. Government and our partners in the Western Hemisphere. From the DHS perspective, the Mérida Initiative is an opportunity to more fully engage our regional counterparts and more cooperatively work together to deter and dismantle cross-border criminal organizations and the threats they pose. By working with both regional and U.S. partners on regional initiatives, DHS multiplies the effectiveness of its own border security efforts and helps the United States, over the long-term, develop sustainable security partnerships.

In this sense, DHS sees the Mérida Initiative as a step forward in homeland security and a significant piece of a comprehensive national security plan. DHS recognizes that a regional effort—which involves multi-national cooperation—is ultimately required to ensure the security of our homeland. The United States will be most secure when the entire region is secure. Our support for the State-led Mérida Initiative builds capability, provides equipment, and facilitates interoperability so we can work fast and lean, both separately and together, to detect, apprehend and prosecute members of these transnational criminal organizations.

The DHS Office of International Affairs works hand in hand with DHS components such as CBP, ICE and the Coast Guard, to support implementation of appropriated funds and to determine how they can be most effectively spent. We also work closely with the Department of State to enhance Mexican law enforcement capabilities and DHS's ability to secure the border in cooperation with Mexican agencies.

### *Conclusion*

In conclusion, the United States and Mexico must continue to work together to stem the tide of violence and crime that threatens the security of both our countries. Our countries have a common goal and both need accept their respective responsibilities: Mexico will continue to directly confront internal corruption and criminal organizations dedicated to trafficking narcotics and other forms of contraband, which they have done with dramatic results so far; and the U.S. will have to provide even greater attention to demand reduction, interdiction, criminal investigations, capacity building, money laundering flows, and southbound arms trafficking. I

believe our current relationship with Mexico—which is already quite close—will be further enhanced by the Mérida Initiative. I look forward to continuing my role in Mexico by furthering this important relationship.

Thank you for your invitation to speak before the committee on this timely and important issue.