

Transcript of House Appropriations Subcommittee on Homeland Security Hearing on the Proposed Fiscal 2012 Appropriations for Southwest Border Enforcement

Hearing Held on March 16, 2011

ADERHOLT:

The hearing is called to order.

Good morning. This morning we welcome witnesses from the Department of Homeland Security to talk about our progress in securing the Southwest border.

They are Chief Michael Fisher, US Customs and Border Protection, Office of Border Patrol; Assistant Commissioner Thomas Winkowski, CBP, Office of Field Operations; Associate Director Jim Dinkins, U.S. Immigration and Customs Enforcement, Homeland Security Investigations; and Rear Admiral Paul Zukunft, commander of U.S. Coast Guard 11th District.

Gentlemen, we thank you for being here today and thank you for your service. Each of you represents officers and agents who risk their lives every day in the interest of our nation's safety and security.

And all of your agency have experienced losses in the line of duty over the past year and let me express our condolences for you who have lost the lives in your particular agencies and our sincere gratitude for all of you who carry on.

With the 5,500 miles of border with Canada, the 1,993 miles of border with Mexico and the 2,627 miles of shorelines securing the borders of the United States is a daunting task. Since its inception this subcommittee has closely examined security efforts and conditions along our borders particularly along the Southwest border.

Our focus today is not merely to recite where we have been. We all -- we know well the significant resources and dramatic strides that have been made since 2003. Rather we want to talk about the goals for border security.

We want to hear three things directly from you, the officers and agents who work on the frontlines.

Number one, what's the current assessment of border security?

Number two, when will the border be secure? What does that mean, what resources are needed.

And number three, how do we measure progress for a secure and economically vibrant border?

Let me elaborate on each of these points.

First, what is the current assessment of border security?

After investing billions of dollars in Southwest border security efforts in the past eight years where are we in relation to where we need to go?

On the U.S. side of the border we have invested in federal stay in local -- law enforcement personnel and capabilities. We have built 649 miles of physical fencing and tactical infrastructure to enhance detection and deterrence, and deployed and tested a variety of technologies.

We have also invested in bringing the fight to the cartels, stepping up interdiction efforts away from the border using air and marine time assets to support investigations in Latin America and in Mexico.

At the same time, despite our efforts, conditions in Mexico remain dire. Drug production is up and meeting demand. And drug- related violence has resulted in 35,000 deaths since the year 2005.

With the end of President Calderon's term coming to an end in just a year, how much progress do we expect to make.

Second, the most important, how much further do we have to go? What are the end goals and how much will it cost to reach them.

Commissioner Bersin gave us some insight before the subcommittee into what he thinks the end goals are in his appearance last week. The standard being that, if you try to come in illegally you will be detected and you will be arrested.

It means reducing the flow of illegal traffic in the United States from Mexico to a point that both assures public safety and is perceived by the people who live on the border and the people who live in Arizona are being safe and secure.

I want to dig in to the Commissioners comments.

How will we achieve the level of detection and interdiction? What resources will it take? How long will it take?

Last we do need to measure progress. How do we measure progress along the way?

The administration has touted the decrease in the apprehensions along the Southwest border as an indication of fewer illegal crossings and therefore successful deterrence.

How do we really know that is the case? For the entire history the so-called denominator has been evasive.

We know how many we detect and interdict. The core question is, how many illegal aliens actually successfully cross the -- into the United States and with what volume of contraband and drugs. How are we seeking to measure that?

Director Morton and Admiral Papp indicated that their roles in part were to interdict individuals and drugs away from the land border to reduce the pressure on our borders. How has that contribution been measured?

This is truly a daunting task as I mentioned and you face significant challenges everyday and meet our nation's border security needs.

I appreciate you appearing before us today and thank you in advance for your candor and for your insight on the Southwest border security operations.

At this point I would like to recognize the ranking member of this subcommittee, Mr. Price from North Carolina.

PRICE:

Thank you, Mr. Chairman.

And I want, first, to join the chairman in welcoming this multiagency panel here today and thanking all of you for your service and the guidance you afford to those who are working in your agencies.

Mexico and the United States are friends and allies of long- standing with deep historical and cultural and political ties.

Consider also the economic ties. The United States is Mexico's largest trading partner. We're about 85 percent of Mexican exports. Mexico also buys large quantities of U.S. goods and services, surpassed only by Canada and China.

So it behooves each of our countries to facilitate commerce across the Southwest border. Commerce that is responsible for many American and Mexican jobs.

However, the same border also experiences a substantial amount of illegal trade crossing between the two countries with narcotics and illegal immigrants coming north and money and weapons headed south.

Mexican drug cartels now dominate the wholesale illicit drug market in the United States earning from \$13.6 billion to \$48.4 billion annually.

Since President Calderon took office in 2006 and began directly confronting the drug cartels, Mexico and its border regions have been racked by violence.

The cartels control a large swath of Mexican territory and dozens of municipalities. And they're waging violent turf battles over control of key smuggling corridors from Nuevo Laredo to San Diego.

Over the past four years the death toll in Mexico has exceeded 35,000 with each year setting a record higher than the previous one.

The United States has been aggressively working with Mexico to stop this violence because what happens south of the border is more than just Mexico's problem. Recognizing our shared responsibility has led to enhanced cooperation between our governments.

The DHS agencies before us today have had unprecedented cooperation with Mexican law enforcement and the military on information sharing, joint training, cross-border communications and the exchange of personnel.

You've also implemented unprecedented initiatives to interdict illicit shipments flowing north and south across the border.

We're going to hear today about those efforts and the funding for the Southwest border initiative.

But as we take stock of the challenges we face related to the Mexican cartels, it's also important for us to step back and consider all of the forces that play in the drug trade. I've often thought and said that the strength and security of our country are not just about the budget accounts explicitly labeled Homeland Security and Defense.

Success or failure in the war on cartels is no different. We can't expect to solve our drug problems if we put more and more resources into interdiction at the border while doing very little to curtail the demand for drugs on our own streets or even worse, if we actually diminish our demand-side efforts.

But I'm afraid that's exactly what we're confronting in this current year budget discussion.

The House majority's funding bill for the remainder of fiscal 2011, HR 1 takes a serious bite out of our efforts to prevent and treat drug abuse and thereby reduce demands for the -- demand for the cartels poisonous commodities.

HR 1 would implement a massive \$581 million cut to state and local law enforcement assistance funds which include a variety of programs linked to drug abuse treatment like Byrne grants, the residential substance abuse treatment program, drug courts and second chance reentry programs for ex-offenders.

HR 1 also takes \$191 million from juvenile justice grants which are also used to treat drug abuse among youth and our communities.

HR 1 takes an indiscriminate \$229 million cut from the substance abuse and mental health services administration at the Department of HHS.

It cuts the Office of National Drug Control Policy by nearly \$70 million and completely eliminates an initiative to get ex-offenders into the legitimate workforce.

To put it simply, HR 1 would set our national drug control efforts back by over \$1 billion. It would rob Peter to pay Paul.

Cutting programs that reduce the demand for drugs while maintaining those targeted at the supply of drugs, that simply does not make sense.

Now, I realize that none of our witnesses here today can address the programs that fall outside the Department of Homeland Security and I'm not going to ask you to do so. But I think it's important to raise this issue.

Extremely important to raise this issue because the work we do on this subcommittee does not occur in a vacuum and neither does the work that your agencies do along our borders and coastlines occur in a vacuum. Your agencies objectives are significantly affected by forces related to the drug trade that are outside your direct control.

So I -- I believe it's important for all of us with responsibilities in this area to bear in mind, bear in mind the full scope of the problem and the full scope of the likely remedies as we continue to grapple with our fiscal challenges trying to preserve the strength and security of our country.

So, gentlemen, I look forward to your testimony here today and to a frank discussion.

Men and women under your leadership should be commended for all their hard work, their record seizures to date, the great sacrifices they make on behalf of the safety and security of the American people.

Thank you, Mr. Chairman.

ADERHOLT:

Thank you, Mr. Price.

And let me just say that certainly demand aspect does -- does need to be -- needs to be considered and we should never look it -- overlook that as a contributor but also the supply side of the drugs coming to this nation is really what our focus is today and certainly these individual before us can help us make an assessment of that. So, again, thank you for your opening comments as well.

The -- what I'd like to do at this point is to start with our -- the panel open it up. What I'll do is open it up to questions to all of the -- what's that? Yes. I stand corrected.

Let me start with your opening statements before I start in to my question. So, if -- what I'll do is recognize Chief Fisher and then we will go down the table with Assistant Commissioner Winkowski, Dinkins and Zukunft.

So, Chief Fisher?

FISHER:

Thank you.

Chairman Aderholt and Ranking Member Price, distinguished members of the committee, it's a privilege and an honor to appear before you today to share with you the efforts being undertaken by U.S. Customs and Border Protection to secure our borders generally and in particular the Southwest border.

I also look forward to the opportunity to discuss our current assessment of the border, when in a the timelines of our security efforts and resources dedicated to that, and certainly metrics and measures and the extent to which we are going to measure that throughout the next few years.

By way of current status we are on pace to higher train and deploy 21,370 border patrol agents by September of this year.

We have completed more than 649 of the 550 miles of fencing and added significantly more technology including infrared and seismic sensors, video surveillance and mobile systems. We have added aerial platforms to include unmanned aerial systems which complement our ground effort.

Further more, we have gained a greater appreciation for the differentiation between mere collaboration and operational integration with our federal, state, local, tribal and international partners moving forward in realizing the strength of joint planning and implementation in a targeted and focused manner.

As we have realized increased capacity and capability over the last few years attributed in large part to the increase in resources, we have seen a transformation along our Southwest border.

Activity levels are down to historic levels across the Southwest, staffing levels at our high risk sectors are up and we're becoming more proficient with technology to respond to all threats.

But in similar cases when law enforcement agencies learn to prioritize and focus their efforts and mitigate crime, the criminal element also learns and adjusts as we are currently witnessing transnational criminal organizations change their techniques, tactics and procedures. They no longer try to overwhelm our agents in the urban environments, choosing instead to operate predominately in extremely remote locations.

In some cases violence against our agents has increased as the transnational criminal organizations try to intimidate our agents and attempt to influence our forward deployments away from areas previously exploited. And in most cases the cost of doing business for the transnational criminal organizations continues to increase shrinking their profits.

Over the past year we have reviewed our strategy in light of the changing border environment. Our way forward in the strategy that will be applied will be risk-based.

Accordingly, we will increasingly depend on information and intelligence to describe the intent and capability of our adversaries, thus defining the threat while continuously assessing our border vulnerabilities. And in doing so we must be more mobile, agile, and flexible than our adversaries.

Finally, we will define the doctrine through nontraditional and unconventional approaches heretofore unexplored.

I have witnessed the evolution of the border over the past 24 years as a border patrol agent both in terms of additional resources applied against the threat, as well as the change and the adversary's ability to exploit border vulnerabilities. Although we have seen positive indicators of a secure border, our work continues and will not end as long as there are those who seek to enter this country illegally.

In closing, I want to again thank you for this opportunity to testify today.

I remain committed to the mission and confident in our collective ability to secure our borders, due in large part to the brave men and women of CBP who each and every day provide a level of security to our citizens who deserve no less. I am proud of our agents and officers dedication to duty and commitment to excellence.

I also want to acknowledge and thank all of you on the committee for your support. As you were well aware the border is a dynamic environment and we will continue to strive to meet the demand of today as well as the challenges of tomorrow.

Thank you, again, we look forward to your questions.

ADERHOLT:

Thank you, Chief Fisher.

Assistant Commissioner Winkowski?

WINKOWSKI:

Good morning, Mr. Chairman, Ranking Member Price and members of the subcommittee.

I appreciate the opportunity to testify before you today and continue our ongoing dialogue regarding border enforcement on the Southwest border.

Without your full support and partnership we would not have been able to accomplish the many successes that we've had to date. However, we still have many, many challenges.

I want to assure the subcommittee that everybody on this panel, we work very closely with Chief Fisher, being my counterpart in customs and border protection. And working between the ports of entry and field operations at the ports of entry we have integrated, I think, a great strategic plan from the standpoint of bringing the skill sets that our customs and border protection office has bring as well as the border patrol agents.

Certainly from the standpoint of ICE, our investigative -- the executive director James Dinkins here to my left, there's a true partnership taking seizures, taking arrest and having a seamless transition from field operations over to the investigators.

And, certainly, with Admiral Paul Zukunft from the Coast Guard in working on the homeland security enterprise on our borders particularly in the area of small boats and things of that nature.

Given the limited time that I have I thought I'd just take a few minutes to talk about some of the work that we've been able to do.

In the area of outbound operations, at the direction of Secretary Napolitano and Commissioner Bersin, CBP has reengaged in outbound operations over the past two years and had success.

We've seen an increase in our currency seizures across the Southwest border when you look at fiscal year '09 and '10. We've implemented 100 percent rail inspection along the eight crossings on the Southwest border using our technology that you all have supported for us over the years.

And by the end of the year we're going to have handheld license plate reader capability at the 111 outbound lanes along the Southwest border with the plan of putting fixed site license plate readers in our outbound lanes in the out years.

And further more as we create new facilities we are keenly aware of the need to ensure the capability of outbound inspections in our design and construction. Many of our facilities are old. Don't have -- either don't have a footprint for outbound inspections or have a very limited footprint.

Another important initiative has been the alliance to combat the transnational threats or what we call ACTT in Arizona.

Since ACTT began on September 5, 2009 we have made significant enforcement actions at our Arizona ports of entry. Seized more than \$13 million in outbound currency, over 129,000 pounds of marijuana, 3,600 pounds of cocaine.

Our success can be measured in many ways. Numbers tell us something, but the smugglers reactions help validate our activities.

And since we've increased our efforts and continue to evolve our methods, the cartels continue to move to a more unique and deeper conceal their methods which makes it much more difficult for our CBP officers to detect ranging from -- in transmissions, in manifolds of automobiles, gas tanks, the use of commercial buses, co-mingling drugs in legitimate produce.

You know, critically important to our mission and related to the violent scene on the Mexican side of the border is our effort to give our officers the training and resources they need to ensure the security of our -- of the ports.

You know, we have conducted a very, very comprehensive infrastructure surveys to improve the physical security of our ports. We've surveyed every single port and have made security enhancements in order to harden our ports of entry.

We continue to deploy our tactical enforcement officers on our Southwest border, at our ports of entry. These are especially-trained officers that are -- have the long guns and have correct body armor.

We also have -- continue to enhance our special response team program.

I'd also like to mention the much-needed infrastructure projects we have undertaken and continue to pursue on the Southwest border.

Over the past year we've opened two new ports of entry in Texas -- Anzalduas and Donna. And I've had the opportunity to go to each one of those ports. And those ports -- the designs of those ports have taken into consideration the situation that we have down the Southwest border from the standpoint of making sure that our ports are hard and have a comprehensive outbound footprint for our offices to conduct outbound inspections.

Just recently I was in San Isidro and have the opportunity to break ground on the new facility in San Isidro and that facility also at the cost of \$600 million not only enhances our inbound capability. Going from 24 lanes to 63 lanes inbound but also has an outbound footprint and enhancements that we'll make in San Luis.

And with the help of this committee, the GSA and other partnerships, these are just a few examples in needed facility improvements that will require additional resources.

Also, as you know, our FY '12 budget, the request contains money for 300 CBPOs for new and existing infrastructure. And I look forward to work with the committee to ensure that we have the essential personnel and resources going forward and not to mention the 250 officers that we received last year in supplemental for the -- for the Southwest border and those officers are coming on board.

So I want to thank you, Mr. Chairman for the opportunity to testify. I look forward to your questions.

ADERHOLT:

Thank you.

Associate Director Dinkins? Thank you for being here today.

DINKINS:

Good morning, Mr. Chairman and Ranking Member Price, and members of this subcommittee.

I'm here before you today to discuss ICE's role on securing our Southwest border and specifically the efforts that we've made in recent years.

I'd like to begin by thank you for noting the recent unprovoked attack against our special agents in Mexico. Our prayers remain with the Zapata family for their loss and for special agent Avila's speedy recovery.

Out of this tragedy I'm reminded first and foremost of the great courage our special agents and fellow law enforcement partners demonstrate each and every day combating the activities of transnational criminal organizations and the challenges we face along the Southwest border.

We're the second largest investigative agents in the federal government. ICE special agents focus our investigative activities to identify, disrupt, and dismantle transnational criminal organizations and the illicit pathways that exploit unlawful movement of people, contraband, weapons and money across our international borders.

This reoccurring global cycle of criminal activity known as the criminal continuum is a threat to our security not only to the border but our communities. This investigative effort of ICE is nearly 7,000 special agent aimed to attack the entire continuum.

First we have ICE attaches located in 46 countries. We work with our foreign law enforcement partners to push our borders out and address the threats before they arrive in the U.S.

Second, at the border we work in partnership with CBP and the Coast Guard to detect narcotics and contraband, prevent the unlawful entry of individuals into the country and deter the illegal exportation on weapons and currency from the United States.

And third, we have 200 offices located throughout the U.S.

ICE engages in proactive investigations with our federal state, local and tribal law enforcement partners. We investigate transnational criminal organizations operating or residing within our communities. Here, these

individuals often engage in the most profitable stage of transnational crime, notably, the distribution and sale of illegal narcotics and the trafficking of aliens and contraband.

In turn, these criminal organizations generate huge profits that are then smuggled out of the U.S. to fuel their ongoing criminal enterprises.

I can assure you combating this criminal organizations and attacking their financial infrastructure is a priority for ICE as well as the department. We have taken significant steps to do so.

And as we move forward we must continue to push our borders out and adjust the greatest national security and public safety threats before they arrive in the U.S. When they do arrive we must be prepared to interdict, investigate and prosecute the criminals for their actions.

And finally, if we are going to be successful we have to continue to pursue the transnational criminal organization members who reside in big and small cities throughout the United States.

Thank you for the opportunity to be here today and discuss some very important issue with you.

ADERHOLT:

Thank you.

Admiral Zukunft?

ZUKUNFT:

Good morning Chairman Aderholt and Ranking Member Price. It's my pleasure to be here before this distinguished committee as a member of the Coast Guard.

And I will just say I'm the assistant commandant for maritime security safety and stewardship here in Washington, D.C. and certainly the Southwest border is very first and foremost on my mind.

As a lead U.S. agency from maritime security, the Coast Guard employees have three layer of maritime approach to the Southwest border. And that begins at the departure and transit zones, well south of Mexico and then reaches into the approaches of Mexico and finally culminates in our customs waters along our U.S./Mexico maritime border.

To complement the strategy the Coast Guard leverages its role within the national intelligence community to bolster situation awareness as well as our inner service in our agency and international partnerships to advance the interdiction continuum against drug trafficking organizations. That is, intelligence drives interdictions.

To follow on (ph), forensics and prosecutions are working through the interagency process such as Panama Express leads to more interdictions and then it just perpetuates that intelligence interdiction cycle. But we do it internationally and certainly with our DHS partners here at the table.

Our ambiguous goal is to meet these threats far from the U.S. border and the first layer of attack is in these transit and sore zones where transnational criminal organizations are most vulnerable.

To this time our Coast Guard air commanders work with Northcom and Southcom and with the joint interagency task force itself to detect, monitor and interject and apprehend threats well beyond our U.S. waters both in the Caribbean and in the Eastern Pacific.

Coast guard cutters and aircraft provide the necessary range, speed, command and control in authorities to effect success in this transit zone. And in addition to that our Coast Guard law enforcement detachments that are employed on allied ships and our U.S. naval platforms are able to leverage our 37 bilateral agreements with signatory nations from these source and transit zone countries that it had a market impact on drug trafficking destined for the United States.

During 2010 the Coast Guard removed over 200,000 pounds of cocaine and over 36,000 pounds of marijuana bound for the United States. This represents 45 percent of the national drug control strategies annual target or 2010 which is a 30 percent removal rate and equates to 445,000 pounds of cocaine.

Our second layer of attack is the approach to Mexican coastal waters where the Coast Guard works with the Mexican Navy and other interagency partners from Mexico and through our North American Maritime Security Initiative or NAMSIS we've established tactical operation center to operations center agreements and information sharing with C-MAR in Mexico that has also had a marked effect on trafficking.

Since this inception of NAMSIS in 2008 we've had 21 cases totaling 47,000 pounds of contraband seized as the result of this relationship. Fairly nascent with that with our counterparts in Mexico.

The final and third layer of our attack is in the U.S. customs waters to include our maritime border with Mexico. And to that end we work very closely with CBP, ICE or state and local partners.

And you need not look any further than our Joint Harbor Operations Command which is an interagency operations center in San Diego where we have 20 representative agencies including DOD that monitor at the tactical level activity approaching our Southwest border. And since the standup of this center we have interdicted just in last year alone over 800 migrants at sea. And that's twice the number that we've seen in previous years.

So we are seeing an increasing trend in migrant trafficking by sea via the Southwest border.

Finally I will mention we do search operations on Falcon Lake and Lake Amistad. Even though it's not sea water it is a maritime border with Mexico and certainly events in the last year had drawn increased attention to that particular threats so we do transport on a quarterly basis forces that do interdiction operations there as well. At present it is more of a presence right now that will hopefully deter further activity in that region.

Chairman Aderholt, Ranking Member Price, we are proud to be -- to take great strides with the department to enhance security on our Southwest border. The United States Coast Guard has a clear strategy of layered attack that leverages joint services, interagency and international partnerships. We are actively pursuing acquisition strategies that will deliver more capable and operational assets in systems for the Coast Guard in the years to come.

Thank you for the opportunity to testify today and I am pleased to entertain your questions.

Thank you.

ADERHOLT:

Thank you, Admiral.

The administration has noted time and again that the border is secure at is -- as it has ever been. The question today is, how do we measure the level of security we have achieved.

Let me walk you through the measures we have frequently heard.

Border patrol apprehensions of illegal aliens are down 36 percent in the past two years and are less than one-third of what they were at their peak. And a decrease -- is a decrease in apprehension truly an indication that fewer illegal's are crossing or there are fewer job seekers or fewer drug mules or both?

2010 saw more than 15,000 drug-related deaths in Mexico. Is an increase in the violence an indication of greater pressure on the cartels or just more examples of their brazen and brutal tactics?

While seizures of drugs both cash and other contraband are up that can probably be attributed largely to having more officers and agents on the front lines.

What aren't we -- what are we not -- what aren't we catching? Have our efforts actually squeezed and reduced the flow northbound into the United States or southbound in Mexico?

Have drug use availability, purity and street value been affected at all as a result of our investments?

And lastly, I would like each of you to tell to the subcommittee from your agency's perspective what are the best measures of the effectiveness of the Southwest border operations, where are we today, where do we need to go and what tools and resources are needed to get there.

And I'll start with you, Chief Fisher.

FISHER:

Thank you, Mr. Chairman.

I think in posing those series of questions, interestingly enough myself and the staff and then -- and others within CBP have been looking at this really hardly over the last few years.

And in particular over this last year what we realized as part of our strategy in the method by which we had recently been reporting out in terms of security. Really were in fact as we did described as operational control levels really for the deployments of those resources over the years and how we would measure those, how we would ask the field commanders, to what extent has those -- that level of resources, then a benefit added value to your operations and from a cost standpoint did that actually work.

And as we've been having the discussions with the field commanders it became clear to a lot of us that levels of operational control measured in a linear fashion do not translate into border security because border security is much broader than linear miles of operational control even under our own limited definitions.

For instance, where do we start looking a year ago at not just the line in the sand if you will?

The juridical one that separates the jurisdictions between the United States and Mexico, we've been looking at the border in terms of corridors. And those corridors, as we start looking along, for instance, the Southwest border, what is it that the criminal organizations, smuggling organizations, transnational criminal organizations, anybody seeking entry into this country, what do they require to do that?

And so, when I mentioned earlier about the information and intelligence being a key indicator to identify the intent and capability defining the threat, that's exactly what we're trying to do.

Just because we have an area along the Southwest border for instance that's extremely remote -- absent any fence, absent periodic deployments of water patrol agents -- that may be in and of itself vulnerable because of the lack of those resources. It doesn't necessarily indicate that that's an area of high risk.

Let me give you a quick example.

In some of the areas -- in the Big Bend National Park, for instance, vast expanse, don't have a lot of resources there. But in those particular areas criminal organizations in order to bring narcotics and people through need the same things that local populations need to be able to bring in through a country into another country and immediately into the interior of the United States. That requires infrastructure in terms of road systems, transportation systems to easily do that.

Now, in some of the other remote areas where they do operate where it takes from two to three days, they do that at a higher risk not necessarily because of the terrain, but because of their exposure to our detection and interdiction efforts are higher.

And so when we look at the border and we want to focus those resources in those areas, we want to do it in a smart fashion. In the absence of infrastructure and technology in some of those extremely remote areas, what we are moving towards is identifying other technologies. And I'll give you a quick example.

Some of the intelligence community -- and our UAS' for instance -- we don't want to just automatically assume because the infrastructure does not exist that therefore the risk will always be low. The risk is going to be dependent again on the threat. And if they decide to move for whatever reason, then we want to be able to know about it, have that situational awareness and be able to detect, identify and classify that threat. Are they just people? Are they people coming in with narcotics? Are they armed? Are they not armed?

We also have the requirement to defend, be able to respond to it either on the ground or in the air and ultimately be able to make in effect the arrest.

We had mentioned the denominator. What we need to be able to do in a broad definition of border security is not just the apprehensions. And I would agree with you.

More importantly, it is the proportion of individuals that we arrest subsequent to the detected entry.

And so then the question is, well, in those areas where we don't have persistent detection capability, what is the answer?

There's a few things. We would use the UAS and another national resources to be able to do periodic flyovers in utilizing change detection capability to then go back and periodically check and see if in fact there's any change of the terrain.

If in fact we identify and the analyst dictate that something is moving through there we would send reconnaissance patrols out there. We would sign a cut and we would identify what is coming through that area.

If it is determined to be individuals we can then start putting sensor arrays, we can put mobile technology there to figure out what that threat is to be able to mitigate it so it doesn't become entrenched in some of these places that we've seen across the Southwest border.

ADERHOLT:

OK. Thank you, Chief.

And just -- what we'll do is we'll try to keep maybe to -- answer just -- as brief as possible, but of course as -- the time that you need, but we'll try to keep mindful of the time and I know the other members here want to try to get some questions as well.

So, Commissioner Winkowski?

WINKOWSKI:

Thank you, Mr. Chairman.

Just to kind of build-off of what The Chief just testified to.

In the aerial ports of entry unlike between the ports of entry, we got this dual responsibility. You know, we have a responsibility to make sure that dangerous people and dangerous things don't come in to the country. But we also have a responsibility to make sure that we're doing everything possible to facilitate the legitimate trade in travel.

So, we've got this dual mission that is very, very complicated that is very, very time sensitive.

We have been fortunate in many respects from the standpoint of support from this committee in putting out detection equipment, what we call nonintrusive inspection equipment that we have throughout the -- throughout the Southwest border.

And that's given us the ability to focus in and target high risk shipments, for example. And do quick inspections in making determination and find contraband or to actually release the freight.

So our measures are a number of things. Certainly, one measure is the activity, the illegal activity that we have coming through the ports. And for example inadmissible aliens, when you look at -- percent has changed from fiscal year '09 and fiscal year '10 were up 4 percent, false claims up 15 percent and fraudulent documents up 11 percent.

So the question starts becoming -- what The Chief and I talk about oftentimes is, as border patrol continues to harden between the ports of entry with technology and fence, the impact on the ports of entries. So if you can't come -- if it's more difficult to come through between the ports of entry the next, I think, natural point is at our points of entry. And we've seen some increase in that regard.

The other measure we have is applying consequences. You know, we have gotten away from just doing simple voluntary returns. From the standpoint if someone comes in, doesn't have the proper documents, fraudulent, at times we would give a voluntary return.

Today, we take -- we give larger consequences coming in as well as going out. And I think that's an important point here. I testified about our outbound strategy and I talked a little bit about currency.

But as we focus in on the outbound side, the number of illegal undocumented aliens going back into Mexico, we didn't focus in on that over the years. And we have focused in on it and have been able to apply consequences.

So you have individuals particularly in the pedestrian lane walking into Mexico and part of our outbound ConOps is -- is detecting those individuals and applying -- applying consequences. So, you know, recidivism rates are something that we measure.

I agree they're just finding more -- more drugs. Day in and day out is not just the only measure. It's how you're changing -- how you're changing behavior.

How will you -- you know, we saw -- we see in Arizona with ACTT putting in 163 TDY officers, an increase in enforcement activities.

ADERHOLT:

Thank you.

Mr. Dinkins?

DINKINS:

Just to carry on.

And some of the indicators and specific things that we noticed that really are indicators that were making a difference with our collective efforts here.

And I'll keep it short. Is the number of stash houses, for example, in Arizona that we're finding that illegal aliens are fewer. The number of aliens in those stash houses are down as well as the number of hostage situations where they've taken hostages -- aliens in the men-in hire fees. Those are also down last year.

And I think that we've seen the re-shift in the pressure that we're putting on these organizations from alien smuggling fees going up specifically in Arizona over the last year, as well as we're seeing them now because they can't get to the ports of entry. They can't make it through between the ports of entry.

They're forcing to resort to more sophisticated costly measures. The big tunnels which could take months and we've seen a number of tunnels that we've been able to interdict going up over the last year drastically from previous years.

So I think it really has changed. We change their pattern and we forced them to do things differently, more costly and it's making a difference.

Now, as far as the investigations goes, our -- one of our key performance measures that we're using which will start in FY '12 which really has changed the way that we focus away from just specifically arrest, indictments and convictions and the number of seizures is the disruptions and dismantlement's of transnational criminal organizations. Because when you disrupt them you're, you know, setting them back more than just necessarily taking their drugs or money away from them. And when you actually disrupt them and dismantle them now you're actually eliminating that threat for that organization opposed to the ongoing criminal and smuggling activity they're involved in.

ADERHOLT:

Thanks.

Admiral?

ZUKUNFT:

OK.

I'll probably start a little more strategic. And when I look at my current assessment it really first starts with the relationships, then it's awareness and then it's authorities.

I've been in this business for 34 years chasing drugs, commanded three ships. I've directed a Joint Interagency Task Force and also dealt with this border problem and I was the commander of the 11th Coast Guard District.

Our relationships on an international scale are paramount. United States cannot do this along. Within our interagency relationships we do not have Goldwater-Nichols. Our department of homeland security, were eight years old, but I'm here to say, you know, the law enforcement officers joining me here at the table, this is a one team, one fight and it is very focused and it is strategic.

So the relationships both internationally, interagency and joint are better than I've seen at any point in my career.

When you look at awareness, this really comes down to information. Eighty percent of our interdictions were driven by intelligence.

So we have that information. There's a good likelihood at sea we are going to interdict.

Now, as we're getting better systems for awareness it's also imperative that we have the platforms to go out and do the interdictions so those two really need to be held and balanced.

But we did see a net reduction last year of about 40 percent of cocaine moving by sea. At the same time, we're seeing different modes of conveyance. First it was semi-submersible vessels and now we're seeing fully submersible vessels.

And then, in the go-fast the vessels transiting cocaine, they're breaking these loads down in smaller volumes. In the past our average interdiction was about five metric tons. Now we're looking at about just under 1 metric ton.

So the bad guys are spreading the risk. And the fact that they have not returned fire against our interdiction forces tell me that this is a risk that they can take, a business expense they can write-off because there's still more coming.

So that would be my assessment there, at least, on the awareness piece.

And then finally, it's the authorities.

We do have a number of bilateral agreements and then our relationships with Mexico.

I've been down to meet with the commander of the 2nd Naval Zone. We -- initially we talked about oil pollution -- oil pollution protocols and we said, let's look at the real threat. You know, it is the violence on the border.

And we were able to take that. We're now -- if we've seeing event off Mexico, our operation center in Alameda calls theirs immediately. And we've actually done exercises and interdictions with Mexico which was really -- would be unheard of 10 years ago.

So I see the trend in our relationships, awareness and our authorities all moving in the right direction.

ADERHOLT:

Thanks, Admiral.

Mr. Price?

PRICE:

Thanks, Mr. Chairman.

I'd also like to address the question to the entire panel to respond as you perceive relevant in what I'm asking which has to do with the effects of not having at this moment long-term funding in place for Southwest border and drug interdiction activities.

Yesterday the House passed yet another short-term continuing resolution. This one to keep the government operating for three weeks, until April 8.

I've said repeatedly, many others have as well, this is no way to run a government. We need once and for all to finish funding what remains of fiscal year 2011. I think that was quite evident in December, it certainly is evident now.

Now, I recognize the CRs have given you some flexibility. They have given some of your agencies the ability to shift money around to cover 2011 needs not funded in 2010.

HR 1 for that matter provided additional resources specifically for Southwest border and drug interdiction activities.

However, we're almost halfway through the fiscal year and I question whether these flexibilities alone will cover your needs. And in any case I want to ask the question.

I'd like for each of you to highlight what's been -- what have been the impacts of living under short term CRs for an extended period of time, the impact specifically on Southwest border and drug interdiction activities, when does his type of funding stream truly affect your ability to operate effectively in these areas. And then, finally, what kind of adjustments are you going to need as we finally, hopefully, pass a full year CR and/or the 2012 bill.

What kind of adjustments are going to be required by virtue of the funding under which -- the funding arrangement under which you've live (ph) thus far?

FISHER:

Mr. Price, one specific area that is an impact is our inability to project and continue deployments in high risk areas not knowing what the allocation is going to be so that we can physically...

(UNKNOWN)

You could pull the mic a little closer. It's not picking up...

FISHER:

I'm sorry.

It's the -- the current deployments that we have right now in high risk areas -- in particular Tucson and Arizona -- our inability to know between now and the end of fiscal year what the appropriation -- what that dollar amount would be to be able to scale that. Either surge it up and move it within that area because of the CR right now that's -- right, probably the first and foremost operational impact that we're seeing.

WINKOWSKI:

From field operations standpoint, you know, 37 percent of my staff, CBPOs of which I have 22,000, 37 percent are funded by user fees. So, we have a little different situation there.

But from the standpoint of staffing the ports of entry and paying the bills we have not seen any impact in that regard. And in fact we are hiring the 250 officers that were approved on the supplemental as well as some additional officers.

You know, to your point, Mr. Price, I mean, it does make it difficult from the standpoint of that long term planning, but nevertheless not to the point that we had to step back from our responsibilities of protecting -- excuse me, protecting the home and whether it's the Southwest border or Northern border, air ports or sea ports.

PRICE:

Well, just to -- this touches base something I want to talk about later this morning, but as to the new physicians I -- I understand that as of February 1 none of these new border patrol agents are onboard. And 46 of the new CBP officers are onboard that were funded through the supplemental.

Now, that may or may not be related to -- that seems slow to put it bluntly and that may or may not be related to the uncertainties connected with staff-get (ph) funding

Do you have any quick observation on that? I so want to return to it in more detail.

(UNKNOWN)

Yes, sir.

Yes, sir.

I don't know specifically about the supplemental funding as it relates to the authorized levels for border patrol agents.

We are currently writing out over 20,000 border patrol agents and we're on pace. We've been hiring border patrol agents since October 1, the beginning of the fiscal year both in terms of getting us to that 21,370 level at the end which includes the 1,000 additional border patrol agents included in the summer supplemental. It also includes attrition to keep us at that current level.

WINKOWSKI:

And from the standpoint of the CBPOs it was -- we got our academy dates. We have two classes down there now that are bringing onboard the 250 and we have other classes scheduled.

PRICE:

So quickly, if we could move to the other agencies on the staff getting funding question.

DINKINS:

Yes, sir.

It is -- I admit it's a challenge from a management perspective. Fortunately it's been in a level which we've been able to continue on with our hiring as needed.

It's -- the long term effect is this, we don't actually get annualization of the funding for the people that we're bringing on which will -- the out - years will have the challenge versus -- right the now we are carrying on and doing our hiring. We have classes running continuously to bring on the special agents that we need to do the job and that's been funded.

ZUKUNFT:

For the Coast Guard we don't like support.

We can maintain the status quo, but we don't operate in a status quo environment. As a federal on-scene coordinator for the BP oil spill where we surged 3,000 people, 22 cutters from as far away as Alaska and Hawaii, so God forbid we have a disaster of that magnitude, but -- where that really hits us is if we had that requirement to surge.

In addition, we're keeping a watchful eye on the price of fuel which is the one discretionary item we have in our budget. But as those dollars go up, you know, when the final budget comes in that may be an area we have to reconcile by diminishing operations. We're not there yet, but it will say it does put us on life support.

PRICE:

That's a pretty alarming term, Admiral.

Let me just in the time I have remaining ask you to elaborate. Are we talking here about the impact of the -- the mere fact of staff- get (ph) funding and the uncertainty that that carrier with it or are we talking about some adjustments of that -- whatever the full -- your CR eventually looks like and maybe even look -- the 2012 Bill looks like. Some adjustments they're going to be required to get the Coast Guard where it needs to be.

ZUKUNFT:

You know, well certainly in the past we looked at supplemental measures to offset some of our surge requirements, but certainly we would like that to be more predictive because, you know, we looked at last year. We got Haiti and we also had the BP oil spill.

We're entering into what could be a devastating hurricane season. Still unknown, but it really is -- becomes more of a readiness issue. And that is the posture, the Coast Guard has to be always ready. And so, maybe it is melodramatic to say, like support, but it's not the posture where the Coast Guard normally stands squarely on its two feet.

PRICE:

Thank you.

Thank you, Mr. Chairman.

ADERHOLT:

Let me just add to that, you know, I think the question you asked is important and on resources we need to maintain operations.

This subcommittee has a major priority for operations both in the HR 1 and now the short term CRs, and supplementals are of course available to continue powering if needed. So, I just want to make that point.

And I'll turn to Mr. Carter.

CARTER:

Thank you, Mr. Chairman.

I have an awful lot of questions, but first I'd like to point out that failure of the Democratic party to state the budget last year and failure to appropriate any money last year, we've been on a four month CR created by the Democrats and a five-week CR -- two five-week CRs. Republicans, it is time for all of us to come to the table and start getting the same thing done.

Now, let's go to -- I've got some questions that I'm very concerned about and I think you have before you something Mr. Culberson prepared.

I'm going to start with this.

We've got a -- looking at that document you have there and look at '07 and it's gotten better in the Tucson sector, but the Tucson sector looks like to me a superhighway. It's just -- it starts at 800,000 in '07 and comes down to 207,000 today and I believe that there is a reason for that and that is that the border patrol is forbidden from going on several government lands -- U.S. government lands that happen to dominate the Tucson sector.

It's my understanding from talking to members of the Rob Bishop & Resources Committee that many of the vehicle barricades that we created with some of the money we did on the Southwest border were to keep the border patrol out of certain areas of conservation land and other things that are on the border.

Is that a major factor in the fact of the Tucson corridor with all of its public lands that border on Mexico prevents you to use vehicular traffic to change down these people inside these U.S. lands?

And there is a House Bill that's being proposed in which I am a co-sponsor. HR 5016 which would resolve that matter to allow the border patrol to pursue into those areas. Would that be something that would help you?

(UNKNOWN)

Well from my understanding -- and I actually had an opportunity about a month or so ago to go down into the Tucson area along with representatives from Department of Interior and others.

We currently have and have had for the last few years a memorandum of understanding which allows us to go on to public lands in situations where we have to effect an arrest. So to my knowledge, and even in that particular area, the organ pipe for those vehicle barriers were put up over the years.

Department of Interior told me at that time it has drastically reduced the amount of vehicle entries that were coming through there.

There's a whole host of factors that we believe contributed to the high numbers in Arizona over the last 10 years or so. And I'll be more than welcome to talk about those in particular.

CARTER:

Well, I'm going to take the worst case scenario here. In '07 800,000 crossed -- I believe that's Tucson sector and the next high is 152,000, San Diego.

(UNKNOWN)

(OFF-MIKE)

CARTER:

...and you turned out 98 -- turned lose 98.60 percent of the people that were apprehended -- the 800,000 apprehended. So, there's something pretty badly wrong in Tucson, in the Tucson sector. As it compares to the rest of the border Southwest border it's like the 800-pound gorilla in the room.

If his -- if it's not the fact this is public land, if we're wrong on that, then I'd like to know what it is.

(UNKNOWN)

Yes, sir.

And again, there is -- there are many factors. One thing in particular with our strategy, that affect -- the commissioner talks about Tucson in particular, that sector and that state is being the last stand for the smugglers.

It is so because over -- since 1993 when we started in El Paso we saw the majority of traffic there in El Paso. And then we moved it over to San Diego back in the 90s where they were seeing an increase of over 500,000 apprehensions during that time. And it moved over -- head a little bit in South Texas, but it stayed in Arizona for the last 10 years.

When I was there, the high water mark for instance, of the 1.6 million apprehensions United States border patrol agents made that year, 616,000 were in that sector. Last year it was 212,000.

There's two factors predominately why they're still there.

One is because there's very few other areas with that legitimate infrastructure I talked about that they can go back to. They can't go back to the San Diego, they tried in 2007 and 2008. They tried going back in El Paso in small numbers.

The other thing is because of what's happening in Mexico. The lateral movement in Mexico between the smuggling organizations is not what it used to be. It used to be they can move across in Mexico, pay the Plaza, get their people and the narcotics through and do business that way.

Until that settles, a lot of times they're not able to move out of those areas.

CARTER:

So, you're saying to me that a Bill that will open up the -- those public lands would be no benefit to you at all?

(UNKNOWN)

I think when we look at our current MOU and some of the changes that we're working with Department of the Interior would include positioning mobile technology, not permanently necessarily, but in areas. Because the current MOU right now suggest that we are able to go in on what's called hot pursuit. When we make a detection and we're trying to go through public lands it do include going in this area. That allows for us to be able to do that.

What the current MOU does not at this point allow for is for us to go in and move, for instance, in mobile surveillance system. And we're currently working that with DOI in specific areas to be able to do so.

CARTER:

I think I got time for one more question.

It's reported to me that in Arizona an ambush was set up -- I don't know what sector it was in -- was in.

CULBERSON:

Tucson.

CARTER:

In the Tucson sector I've been told. And that one of our agents was armed with a weapon firing bean bags. And when the fighting started he was shooting bean bags and they were shooting live ammunition, AK-47s and he got killed.

Now, what in the world are we sending a border patrol out for an ambush with a bean bag gun.

CULBERSON:

It was a SWAT.

CARTER:

SWAT Team I'm told by Mr. Culberson.

CULBERSON:

SWAT Team.

(UNKNOWN)

Yes, sir.

I believe you're referring to the incident back in mid-December that involved the tragic death of Agent Brian Terry who was a member of the Border Patrol Tactical Unit. That occurred in the mountains west of Nogales, Arizona.

What I can tell you, sir, is because it's still an ongoing investigation, all the border patrol agents that were deployed in there had deadly force.

CARTER:

Except him.

(UNKNOWN)

No, sir. He did have deadly force.

CARTER:

Well, the report is, the gun was sort of a bean bag. That's not deadly force, isn't it?

(UNKNOWN)

Well the team is deployed with a variety of weapons, sir. And...

(CROSSTALK)

CARTER:

And he just grabbed the wrong gun?

(UNKNOWN)

No, sir. That's not the case.

CARTER:

You're investigating that?

(UNKNOWN)

Actually the FBI is the lead investigative agency and the United States Attorney's Office in Arizona is still working that case, sir. So I can't go into further levels of detail. I think you would understand that.

CULBERSON:

(OFF-MIKE).

CARTER:

Well, I'll let you ask that question.

CULBERSON:

Yes. Forgive me, John.

ADERHOLT:

Times up.

Mr. Dent.

DENT:

Thank you, Mr. Chairman.

Just a few quick questions. Chief Fisher and Commissioner Winkowski, we understand that CBP has been establishing a unified command structure for the Southwest border, similar to efforts undertaken by the Coast Guard. In addition, we know DHS has been looking at a more unified interagency approach to border security looking to models such as the Joint Interagency Task Force --South I should say -- Joint -- that they combat narcotics, as you know from South America, the Caribbean.

What progress has been made in implementing this unified approach at CBP and what difference does it make and if any at all?

FISHER:

Sir, I can tell you at the beginning of December in Arizona CBP stood up what's called the Joint Field Command. And we're just starting to set here in Washington D.C. the Joint Operations Directorate.

As most joint commands go it was an area, one, as the lines to combat transnational threats started up in September of 2009. As that matured we started with a unified effort. We moved towards unified command and now we're matured to a joint command construct.

It's still relatively early to ascertain the extent to which it has increased.

I can tell you and I'll certainly ask Mr. Winkowski to comment as well, if he so chooses, that having one person that speaks for the commissioner from a strategic level in the field, be able to look at border patrol operations, look at field operations because they aren't separate as Mr. Winkowski indicated at and between the ports of entry.

And we have currently invested over 6,000 border patrol agents and officers in that state. Having a joint command helps us set a construct to be able to make sure that the implementation of that strategy is reaching the objectives and goals as previously stipulated.

WINKOWSKI:

Congressman, that the only thing I have to add is, you know, prior to -- prior to the creation of DHS down in -- for example, at port of entry you had really three government agencies running the port of entry. You had the customs service where I came from under the treasury department. You had immigration, naturalization service under the justice department and you had USDA under the Department of Agriculture.

We made it work. The creation of DHS and CBP eight years ago this month brought a whole new level of one agency owning one department, owning -- the borders. Us being, you know, CBP owning, you know, the ports of entry, between the ports of entry and the air and marine side.

And we've matured in eight years. And I think we have matured to a point where we needed to look at, is there a better way from the standpoint of managing our mission.

And we've done a -- we did a lot of research on this and took a lot of pieces from the Department of Defense with Goldwater-Nichols.

I've had the opportunity that Chief Fisher has to spend a lot of time down in Tucson. And having a one commander that is responsible for what's happening in that particular sector to me makes a great deal of sense.

And what that means to my position for that particular area is to continue to grow and that -- that I'm going to be going into organized training equip versus the operational side because the commander is responsible for the operational side.

So, as The Chief indicated we have ways to go. It's maturing. You know, we have in this particular case a border patrol agent that is in charge of the joint command, but as the deputy. The joint commander is a field operations leader.

So, I think it's a good thing. It's innovative. I think we've matured to a point where we need to begin the process of relooking how we manage the borders.

DENT:

What are your results and goals of the joint unified efforts and what are the cost savings?

WINKOWSKI:

From the standpoint of the joint field command we're not there yet. I could not see here and give you a dollars -- dollar savings.

From the standpoint of streamlining the process I think, again, having one individual in charge of that particular sector which includes the ports of entry and between the ports of entry certainly streamlines the management and the re-management reporting because he commander reports directly to the deputy commissioner of CBP.

DENT:

Through this consolidate -- through the consolidation do you see a better use of existing resources?

WINKOWSKI:

Yes. I believe so. And, again, time will tell here, but that commander has a full authority of shuffling resources so that particular commander wanted to take positions from the customs and border protection officer position and place them someplace else in that particular AOR. He's got the full authority to do that.

Typically what would happen is, in order to do things like that there's, you know, there's a reporting process that the director would have to come through in the headquarters. We've streamlined that.

So, for example, we see on the Southwest border with our outbound operations at the ports of entry, we see border patrol agents at the ports of entry working outbound operations with our border protection officers. We see border protection officers up in checkpoints which traditionally was just handled by border patrol.

So, you know, we're seeing this knitting, we're seeing this integration of personnel. As I mentioned in my oral reply (ph) that we all bring different skill sets to the table -- field operations and border patrol. Now it's time. We've done a great job merging. Now it's really time to really integrate.

DENT:

And if I can just quickly go to the Admiral.

Just to talk about your aviation assets and capabilities for a moment. The Coast Guard has experienced a number of aviation casualties over the past few years as you know. Do you have a plan to replace the two C-130 Hs and two of the HH-60's that were recently lost. It appears that you have no plan in any way to replace the two HH-65s that were also lost in mishaps. How are you mitigating the gap created by the absence of this aircraft and what's your plan and timeline to replace these assets?

ZUKUNFT:

Yes. For the H-65 gap in particular we are able to cover that with the remainder of our fleet.

Anyway, there are short range helicopters. They, you know, do the lion share of our coastal search and rescue and then they also embark at sea.

They're the same helicopters that carry our HITRON. These are our precision marksmen that shoot outboards of go-fast vessels.

So we're not missing any opportunities to send cutters to encounter drug missions, that they don't have helicopters. We're able to work within our mix. Clearly, that the critical piece are that the C-130s that provide that long range surveillance and the H-60s provide a longer range capability as well.

DENT:

What's your best tool for interdiction? Helicopters, fixed wing?

ZUKUNFT:

Helicopter by far.

DENT:

Is that true for the rest -- is that true for the rest on your interdiction?

(UNKNOWN)

Yes, sir. The helicopter. The -- either the U869 or the Blackhawk or the Huey.

DENT:

Thanks.

I yield back.

ADERHOLT:

Mr. Culberson.

CULBERSON:

Thank you, Mr. Chairman.

We deeply appreciate the work that you do and are really committed to help you in any way that we can.

Chief Winkowski, you really zeroed down and that is the key. As all of you know as law enforcement officers it's to impose consequences and change behavior.

And what do we do as a country, what do we do -- what we all do as law enforcement officers to change behavior. And the key is imposing consequences. Criminal consequences is the most successful.

And if I could, Mr. Chairman, I wanted to ask If I could enter into the record -- if I could, Mr. Chairman, without objection, can I enter this in to the record, the...

(UNKNOWN)

(OFF-MIKE)

CULBERSON:

Thank you.

ADERHOLT:

Absolutely.

(CROSSTALK)

CULBERSON:

I gave everybody a copy of this. This is -- numbers that I collected with the - Chief Fisher and I really, really appreciate the -- you all help in putting this together.

This is the first time that I have been able to see these numbers all put together and I gave it to H1 and the members of the committee because you can pretty quickly see what the problem is in Tucson.

And notice when I first started bringing this to the subcommittee's attention, as Mr. Carter says, in the Tucson sector in fiscal year '07, if you were picked up by the border patrol, you had a 98.6 percent chance of being home in time for dinner. And you were basically out about three hours in the road which is just, you know, terrible and as a result they're just pouring through in Tucson.

In '08 you had a 99.6 percent chance of never being prosecuted. And I can't get the numbers Chief. Could you help me get the numbers for '09? I'm not sure why we couldn't get good numbers for '09.

But notice in '10 -- I mean, after the result, you now, they've all put in a lot of hard work and this committee has put in the resources. I deeply appreciate Chairman Price's and Chairman Aderholt's commitment to the House.

And Chairman Price, from the time you worked on this, sir, you were able to put resources into the Southwest border. It's made a made difference.

In those sectors, Chief Fisher, whether our consequence is being imposed and kind of the gold standard in my opinion -- I have looked at this carefully and worked on it for many years. As everybody knows in the committee, and you all know this has been near and dear to my heart, it's something I've worked on for many years -- the gold standard is Judge Alia Ludlum in the Del Rio sector.

The chief -- the -- your secretary chief there, sir, tells me that they've got the lowest level of crossings they've ever seen. That things are very quiet. You know, you can hear the crickets chirp in Del Rio. The streets are safe. The community is thrilled.

There is strong support among the local community which is 96 percent Hispanic for enforcing existing law with primarily existing resources. With a close cooperation of the border patrol, of the marshals, of the judges, of the prosecutors, of the sheriffs of the customs and immigration, there's a great cooperative relationship there and that sort of where streamline started. And Judge Ludlum has had great success with it.

It's also, you've got, I believe Chief Randy Hill was in El Paso. And he just moved into Tucson. God bless him. You see him on the Niagara Falls. He is out there standing on Niagara Falls. And if I could, members, bring your attention to what happened in El Paso under Chief Robert -- Randy Hill, excuse me, was the Chief in Del Rio working with Judge Ludlum and that's why you see members, the prosecution rate in Del Rio is so high in '07, in '08, and we're going to get numbers for '09.

And it's still high but she moved Randy to El Paso, I guess over the last two years, Chief? And he's just doing a magnificent job because the problems here in Nogales -- excuse me, in Juarez and his work with the local folks, he got the prosecution rate in El Paso up to 65 percent.

And I just want to confirm for the record gentlemen that this is the key. If we enforce existing law, impose real consequences and the existing law is up to six months in jail, it's a criminal prosecution.

And the consequence they're imposing I want to make clear for the record members is, for example, Judge Ludlum is giving them a week, two weeks, a month, a couple of months depending on the circumstances. Obviously if it's an aggregated offense, if the individual has assaulted the officer, if they're carrying drugs, they're carrying a weapon, they're in a special category and they get zapped with really serious criminal penalty.

But if it's as -- if they're an economic migrant, if they're crossing, they have no other aggravating circumstances, that's what we're looking at here. This are -- they're being given a few weeks, a few days, a month maybe if they aggravate the judge. You know, bad attitude, failed the attitude test.

And as a result they're just not crossing. You don't see him crossing in Del Rio. The crossings in El Paso are down. You're seeing a -- for example in Yuma where you've got the streamline program in effect, the illegal crossings are down. The local community supports this. Enforcing existing law with largely existing resources truly works.

Is that all an accurate summation of what we see with these numbers in the work that's being done in these sectors where the law is being enforced?

FISHER:

Mr. Culberson, there's two area that I first want to start.

I do want to agree that consequences and in particular prosecution is achy (ph). I don't necessarily think it's achy (ph) and let me explain why.

When you look and doing compare -- comparing and contrasting data like this -- and this is something we're taking a hard look at over this past year -- is there's lot of other variables we've got to take into consideration. Places like Del Rio and others. When they instituted the operation streamline, the levels of activity in apprehensions were much lower than currently they were in Arizona.

So you look in a different judicial districts. You're looking at the capacity which...

(CROSSTALK)

FISHER:

...to do that.

But there's another critical piece here that we're looking at as, well, we've taken a look at about a dozen different consequences that we have at our disposal subsequent to an arrest.

And if they're looking at each of those programs and trying to figure out well which one has the best recidivism rate, which one has the best re-apprehension rate, we decided to do -- has come up what's called a consequence delivery system. And what that is, very quickly is it takes all in a particular area all the consequences that are available to CBP and then we do an analysis of alternatives where we take a look at schedule, performance and cost and try to figure out what we're trying to effect.

In an all consequences there's two primary things we want to effect. One, the individuals, and two, is the criminal organization. And in doing so, streamline maybe the (achy) that we would want to in specific population go forward to the U.S. attorney for prosecution. But in other cases, we may not because of the outcomes that we're trying to achieve.

CULBERSON:

What other -- what other consequences are available to you?

And immigrations court is a civil proceeding.

FISHER:

Right.

CULBERSON:

So, the only real consequence that is -- and I've looked at this closely, that really has an impact is the criminal prosecution. Then you've got these guys hand printed. You have an -- if that they come back. It's up to two years. They don't come back. You don't get any repeat customers if it's a criminal prosecution.

FISHER:

Yes, sir.

But, again, not all streamline cases and dispositions are the same. In other words, in Arizona for instance, the sentencing under their streamline cases. And they're doing 70 cases a day in Arizona. The time served is three to four days.

So when you really look at the consequence it's not the program, it's what is happening as a result of that consequence. So one in particular would be the alliance or the Operations Against Smugglers Initiative for Safety And Security also known as OASIS.

We take the case, we take the principle, we take the material witnesses and we develop the case for prosecution of smuggling in Mexico and we turn over that case and the principles to PGR in Mexico. We've seen very low recidivism rates when we do that so I guess based on the outcome in what we're trying to effect not just putting people into programs for the sake of the program.

CULBERSON:

OK.

Mr. Chairman, thank you.

ADERHOLT:

Thank you.

Ms. Roybal-Allard?

ROYBAL-ALLARD:

Mr. Fischer, I've been deeply troubled by the long and growing list of border patrol misconduct cases.

According to the L.A. Times, over the past two years at least five border patrol agents have been accused or convicted of sex crimes including one individual who assaulted an immigrant mother while her children sat in a nearby car.

Last May an immigrant detainee died after being beaten and shocked with a taser four times.

In June, an agent admitted to assaulting an immigrant at a processing center while later that month an unarmed 15-year-old boy was shot and killed in an El Paso -- in El Paso by border patrol personnel.

And in September an agent went on trial for torturing a 16-year-old suspected drug smuggler.

My question is, what steps is the border patrol taking to correct this pattern of wrong doing?

For example, what changes are being made in regards to the training and the supervision of the border patrol so that these things are not going to be happening?

FISHER:

Yes, ma'am.

And we take every allegation very seriously as you well imagine and certainly we turn those cases when they're brought to our attention which a vast majority of those cases come to our attention first and we turn those over either to the Office of the Inspector General, to ICEs, OPR or to our own internal affairs.

The specific things that we put into place over this last year includes but not limited to the following.

One is recognizing that even our internal CBP -- internal affairs office, you know, we have backlogs in terms of background investigations and reinvestigations for current border patrol agents. So we're looking to get that backlog down. And we've also instituted over the years polygraphing employees and we're also going to be hiring more polygraph examiners to be able to ensure that integrity first and foremost stays within our organization that we're very proud of.

We're also taking a look at areas where we -- when we had doubled the size of the organization we're taking a look at supervisory ratios in specific locations and making those supervisory ratio adjustments where appropriate.

ROYBAL-ALLARD:

OK.

Well, that brings me to my -- the second question, I think, in part that you answered it.

Because one of the concerns that was raised -- and this was by Senator Mark Pryor of Arkansas was that in the rush - - initially in the rush to hire border patrol agents that there were -- hiring standards were lowered and that barely 15 percent of customs and border protection applicants undergo polygraph test and of those 60 percent were rejected by the agency because they failed the polygraph or not qualified for the job.

So, are you saying then that you are now improving your hiring standards and that the rate of the polygraph test and background investigations -- everything that need -- needs to be done in order to ensure that those who are working at the border meet the standards that we all, you know, want is in fact now going to be implemented?

FISHER:

Well, the standards to increase, again, the background investigations and the reinvestigations, that's accurate. We're looking to increase that to be able to reduce the backlog and also to do more of the polygraph than we have in the past.

ROYBAL-ALLARD:

OK.

And about existing border patrol -- in that same Washington Post story, it says that the number of CBP corruption investigations opened by the inspector general climbing from 245 in 2006 to more than 770 this year and that corruption cases at its sister agency, the U.S. Immigration and Customs Enforcement, rose from 66 to more than 220 over that same period.

So, is something also being done to -- to prevent those kinds of things from happening not only in terms of the initial hiring in the background checks but also in terms of the supervision and whatever else that you would know better than me what's the needs to take place in order to ensure that these kinds of things don't happen once folks are hired?

FISHER:

Yes. And in particular, CBP and with ICE and with ICE and the Office of Inspector General have worked this year. You know, first of it is trying to, you know, broaden out and trying to define the problem.

You know, what -- how many of the allegations, for instance, that are maybe contained in a lot of those numbers. How many of those were legitimate allegations, what happened with the investigations.

So, as we get more information, ensuring that information between DHS and the inspector general, I think we're going to be able to make better judgments and informed decisions in terms of what we can do to minimize those numbers in the future.

ROYBAL-ALLARD:

OK.

Mr. Winkowski do you want to...

WINKOWSKI:

Thank you.

The only think I would add is, in the -- in my office, field operations, we've done a number of things. The -- I think the most important issue that we've done is we've begun a process where we call AMSCO (ph) which is a group -- which is an office that has highly- specialized offices in it and headquarters. That looks at the data.

So, for example, in field operations everything we do in field operations we leave some type of electronic fingerprint. So whether we're processing you in a -- on a land border, fingerprinting you, making seizures that we're needing fingerprints.

And what we're doing -- one of the things that has enabled us to move forward is the vehicle primary client which was part of the Western Hemisphere Travel Initiative implementation, taking that data and asking questions, "Why did that officer take only five seconds to process an automobile?" And actually it's 45 seconds. "Why didn't they run names?"

Being more proactive and going in there and looking at these things and then raising those issues up to internal affairs and the IG, so being more proactive rather than sitting back and having others come in so we have a problem.

ROYBAL-ALLARD:

OK.

Well we know we really appreciate what a difficult job that you have and so any way that you feel that our -- the committee can be helpful -- I'm speaking for myself, but I'm sure that's true of the other members -- we really would appreciate that kind of input from you.

WINKOWSKI:

Thank you.

ROYBAL-ALLARD:

Thank you.

ADERHOLT:

Thank you.

Mr. Frelinghuysen?

FRELINGHUYSEN:

Thank you very much.

Thank you individually and collectively for what you do. I hope to have a greater appreciation for what you do.

I know you've probably focused before I got here on interceptions of surface vessels, aircraft that are involved in drug smuggling. What about, Admiral, the use of submersibles? So called submarines?

I've read about -- we've all read about it for the last couple of years. I assume there are cartel -- cartel-owned submersibles and what are we doing to interdict them? How many are them? How many are there out there and what are the loads? Are they -- what sort of loads do they bring in? And how do you prosecute them?

ZUKUNFT:

Congressman I'll take that in several areas.

One, clearly, the challenging is vexing once it's on the high seas. You know, both Coast Guard and our DOD partners have a significant resource challenge tracking, detect -- first detecting then monitoring movement of a fully submersible. So as I said earlier it really starts with the relationships.

And so our relationships with Columbia with the Columbia National Police detecting these as they're being assembled, detecting these at the launch point is the most critical point. It is to get them at the...

FRELINGHUYSEN:

...with all due respect. With all the assets we have at our disposal?

ZUKUNFT:

These will operate over literally several million square miles.

(CROSSTALK)

ZUKUNFT:

Yes, sir.

And...

FRELINGHUYSEN:

I assume they have signatures?

ZUKUNFT:

Well, that the challenge is when they're fully submersible and they're not emitting any electromagnetic signature. It becomes...

FRELINGHUYSEN:

So -- so how many have we intercepted? Maybe you can...

ZUKUNFT:

We've been able to -- I don't have the exact numbers of the semi-submersibles that we detected.

We do have legislation in place. We're just moving one of these in itself as a violation of U.S. law so...

FRELINGHUYSEN:

So you're basically telling me that the Colombians from what I can gather have intercepted some of these submersibles, right?

ZUKUNFT:

That's correct. There's...

FRELINGHUYSEN:

So we are to some extent beholden to the goodwill? And Columbia has been actually a very good partner in that regard. So we're beholden to the goodwill of companies that are home to these cartels?

ZUKUNFT:

We are...

FRELINGHUYSEN:

In order to...

ZUKUNFT:

You know, I think in these existing sovereign shores and these are in -- largely what I would call on government territories. These are in the jungles in the Eastern Pacific.

FRELINGHUYSEN:

Whatever happened to the -- your doctrine?

ZUKUNFT:

Yes, certainly.

They will carry upwards of 10 metric tons of cocaine and that's what we've seen.

FRELINGHUYSEN:

Well give us some good news on the committee. If that's allowable, Mr. Chairman? How much would you characterize we've seized in this through the utilizations, these types of vessels?

ZUKUNFT:

I can get back to you with those exact numbers. I know when I was commanding the 11th District, just over a year-and a half ago we seized five of these and over 40...

FRELINGHUYSEN:

Five out of what?

ZUKUNFT:

Five hundred and five or out of the ones we detected.

FRELINGHUYSEN:

Well have we made any estimates as to how many of these...

ZUKUNFT:

We have not. And we had a recent interdiction, as I said, about two months ago of one before it was able to launch.

FRELINGHUYSEN:

Just a last question.

Throughout your workforce -- and we give you credit for having a tough job, a dangerous job -- linguist, bilingual workforce you have a full complement of the people you need. Just generally speaking can you briefly respond? No lacking of people who can...

(CROSSTALK)

ZUKUNFT:

...we have a program in place that depending on the level of their ability to speak a foreign language we can pay up to 5 percent award for that. So, the vast majority are Spanish speakers, but we also have a whole cadre of individuals that speak Asian languages and Middle Eastern languages and oftentimes use those officers to help out our investigators and others.

FRELINGHUYSEN:

So no lack of information or the ability of people to download it and understand it because of linguistic issue.

ZUKUNFT:

No.

FRELINGHUYSEN:

Ok. Thank you, Mr. Chairman.

Thank you all.

ADERHOLT:

Thank you, Mr. Frelinghuysen.

Let me shift now to a little bit different topic.

You know in one regard, but still keeping in with the overall theme, the operational control and resources. Let me direct this to you, Chief Fisher. I know you're at the front of the table there and it seemed like you get directed most of the questions, but this question would probably be more aptly asked going towards you.

The border patrol has dramatically grown in the past two years. At some time, we have not achieved operational control of the border as we just discussed. Let's talk about resources more specifically. What is the right mix of technology, infrastructure and people to achieve the operational control? And how many agents will you need?

FISHER:

Mr. Chairman, over the last year or so one of the things that I had asked the fields commanders to assess was just that.

At the last few years we've been in what's called a game mode. We needed the resources. We had no idea what the numbers would be in terms of miles fence for instance. We didn't know what the technology could bring to us and we didn't know how many border patrol agents we need. We just knew we needed more.

And so what we're doing -- now that we have the fence and we've seen what that's been able to do to us predominately in the urban areas. We're getting more and more technology and more mobile technology which is really going to be critical. And now that we have a workforce of 2,100.

I had mentioned earlier about our doctrine approach. What we want to be able to assess is not we need more border patrol agents across some of linear line and some astronomical number because that in of itself is not going to achieve whether by our definition operational control nor any levels of operational security.

And so what we're doing now is trying to figure out with those deployments what have we seen as a result of those deployments and in particular how come we use and deploy those assets differently to achieve the same end state.

As a quick example, when I was a border patrol agent many years ago a sensor would go off, I had no idea if that was a cow, if that was people, if that was backpackers. And so what I did on my own, we have to get on the vehicle with a flashlight, kind of run through the mesquite trees, catch some signs, track it and then all of a sudden I come upon a group -- maybe there is dope, maybe there wasn't. And so what we're doing now is that doctrine is a lot different than we're training border patrol agents.

Now we have the ability not only to detect but to also identify and classify that threat. So instead of sending a border patrol agent in there what is our concept of operations for deploying a UAS for instance to make that identification and classification?

And instead of having Mike Fisher with his flashlight and go out there, how about we have a six-man team and an airmobile concept going out there and effectively making that arrest, increase certainty of apprehension in a consistent manner, that gives us a higher level of border security and helps us even within our own operational control definitions.

Those numbers that you would ask for specifically in terms of border patrol agents, I don't have that information for you right now, but that is our attempt right now. It was looking at the strategy and how we redeploy those resources to get that level of operational control and border security that everybody expects.

ADDERHOLT:

Of course you know the subcommittee wants to get to them the resources you need to do the job.

FISHER:

Yes, sir.

ADDERHOLT:

And -- but of course, throwing money at the border without a clear understanding the -- of how that funding buys your capability to make the border secure is something different.

Very simply we've been asking for nearly four years for the border patrols mission requirements and how the technology infrastructure proposed meets those needs.

With the secretary's announcement on the new Arizona border technology plan we again have requested the basis for this change. How does your plan specifically meet your mission requirements?

FISHER:

Very succinctly, sir, I will say that part of the analysis of alternatives in the secretary's assessment we were a part of that within the border patrol and certainly CBP. And what we're looking at doing is taking commercial off-the-shelf technology and using that specific to the terrains, specific to the threats and vulnerabilities that we see on the border. And our fields commanders help assess that for us.

So as we start rolling out mobile surveillance systems with radar capabilities, daytime/nighttime cameras, seismic sensors, increased detection and identification and classification Block 1 systems that we've seen under SPInet in Tucson and Idaho. Those systems are currently working for us in terms of giving us a broader situation awareness but the assessment piece also wanted to take into consideration to what extent do we want to build all of that across the 2,000 miles of border.

And so, we came in and based on the field commanders recommendations and certainly my concurrence in looking at the border is having that more of a mobile capability so that we can respond to those threats should they materialize.

ADERHOLT:

Well, again, you know, we want to support you and of course we need your help and I just like to ask if you could ensure this subcommittee that we proper receive thorough justifications for the hundreds of millions of dollars investment that you have requested.

FISHER:

Yes, sir.

ADERHOLT:

And in particular, how that take knowledge you proposed provide the best security -- possible security at the lowest possible cost o meet border control needs.

FISHER:

I will take that back as an action item, Mr. Chairman, and provide to you when I'm able to.

ADERHOLT:

Thank you. I appreciate that.

Mr. Price?

PRICE:

Thank you, Mr. Chairman.

I want to develop a couple of previous items of questioning further with Chief Fisher and Assistant Commissioner Winkowski, if I might, the first having to do with the important efforts to ensure the integrity of the CBP force -- CBP forces.

And then secondly, some further questions about the hiring -- using supplemental funds and hiring in general.

CBP testified last year that the Mexican drug cartels had had some success in infiltrating federal law enforcement agencies along the border. They've been cases of CBP officers assisting drug cartels, letting vehicles pass.

Ms. Roybal-Allard raised earlier the rather alarming 60 percent polygraph rejection rates seen with current -- that you're seeing with current job applicants. Of course raised these questions about who might have been hired when you weren't regularly applying the polygraph screening. So how big a problem is this in general?

There are some case that are troubling, the case of border patrol agent Marcos Manzano who was illegally harboring I'm afraid a reported felon who was distributing narcotics from the agents home. It took 15 months from the time FBI received the allegations until that agent was arrested.

Now, we need to tie this , I think, to your plans for the coming year end to your budget request.

Your 2012 budget request includes an additional 26 million for CBP integrity programs -- polygraphs, background infiltrations and investigations, periodic reinvestigations. The idea being to progress toward the requirements of the Anti-Border Corruption Act.

Now, in the past CBP has not been able to polygraph all its new applicants. In Fiscal '08 only 5 percent received the polygraph so I understand that figure has now grown to around 25 percent.

It seems clear to me that polygraphs and background investigations are critical to make sure that you have reliable employees. So, what will that 26 million buy?

If it's -- if that increase in your budget is enacted, will you be able to polygraph all CBP applicants before they come onboard?

And then other than increasing funding for integrity programs, what actions have you taken, do you plan to take to rule our unreliable personnel?

FISHER:

Sir, intent is to polygraph as many applicants as we can prior to bringing them, on board and training them as border patrol agents. And I will also tell you that beyond just the polygraph and the background investigations that we had mentioned.

The other thing within our organization...

PRICE:

Excuse me, but I caught the ambiguity in that answer with Ms. Roybal-Allard and that's why I asked it more precisely. What does as many as you can mean? What kind of assurances can you give?

And -- I mean, there had to be some basis for that \$26 million request. I mean, what -- and no doubt it's not just about polygraphs, but what kind of assurances can you give that we're really going to move to much, much -- much higher and more reliable rates of scrutiny?

FISHER:

Well, sir, for clarification, it is my understanding that we are building capacity to be able to do polygraphs up to 100 percent with the increase in the examiners and with the money that was appropriated.

PRICE:

Yes, sir.

And would either of you want to elaborate on further measures either those that are indicated in this budget or efforts that are otherwise underway?

WINKOWSKI:

Several thoughts, Congressman Price.

I think the polygraph program has proposed -- in law now is a step in the right direction. I really believe that the CBP officers, the border patrol agents, the ICE agents, Coast Guard -- we're national security positions and we got to be treated as such. And I think polygraph is good.

It's a good stuff from the standpoint of all new -- my understanding in Commissioner Bersin's goal as I understand it is that every new applicant whether border patrol or a CBP officer would be polygraph and that would be part of that \$26 million.

I think the other thing -- I mentioned it earlier -- was -- that was need to take a -- I think, a more proactive and more aggressive approach from the standpoint of using the data that we have out there. You know, there's a lot of opportunity there and I think we have to keep in mind that we've got this small group of, you know, 60,000 employees in CBP and we thought that is very, very small group. And we have fallen short. There's no doubt about that.

And one corruption case is one too many. But I think as an office we need to be more proactive, more forward-leaning from a standpoint of -- at least in the fields operations area of using the data. Using the processing data from the standpoint of data integrity and from the standpoint of looking at how that data is used, how that process is taking place real time out on the line and asking questions about it. As I mentioned earlier, why did three cars just go by and nobody was queries in it?

We have that capability now. And we have an office that has been established at -- that's part of their function. But I think we need to be much more forward-leaning. And I personally believe that polygraphing all the new applicants are important. I think it's also important that we institute some type of a random system from the standpoint of polygraph. We're going to look at the office of natural security positions.

PRICE:

Thank you.

Let me move quickly to this question of the hiring using the supplemental funds and otherwise you both gave partial answers to that earlier. Help us understand the -- what seems on the face of it certainly to be a slow pace of hiring.

I wonder, Chief, you can elaborate and let us know if you think those thousand border patrol agents or what portion of them will be on board by the end of the fiscal year. I'm talking specifically of course the ones funded in the supplemental appropriation.

And then, finally, a -- and Commissioner, same for the 250 CBP officers.

Finally, let me just raise an issue -- and you may need to respond in more detail for the record. There are questions -- again on the face of it anyway -- about the allocation of these officers.

The plan that you've submitted, the expenditure plan indicated 500 new hires would be deployed in the Tucson sector. We're talking now about the border patrol.

Remaining 500 -- part of a mobile team dispersed into the largest border patrol sectors -- El Paso, San Diego and the Rio Grande Valley -- used to rapidly respond to threats and intelligence driven operations.

How is that determined? How is the deployment of these mobile response team members determined?

El Paso has a very low apprehension rate yet you're deploying up to 187 additional agents there. Rio Grande is getting none. Although your expenditure plan had indicated it would receive some. El Centro sector which has the second highest percent of applications receiving none.

It's just on the face of it doesn't seem to add up or at least there's kind of a gap in terms of the rationale. Could you say what you can say orally here and then perhaps elaborate for the record.

ADERHOLT:

If you could briefly answer that and then we're going to go to Mr. Carter.

FISHER:

Yes, sir. The 500 of the 1,000 that are earmarked for the mobile response teams lean on those four corridors that you identified

Although they would be stationed because we got to put the billet somewhere, we are going to be on those four locations. The intent is to have that capability to be able to move them either within that sector or within the corridors to broaden their resource capability outside of that location.

For instance, El Centro, if El Centro as of requirement, increase threat of activity or hotspot, the MRTs in San Diego could be moved over the up to whatever level of additional requirements that they would need. A lot cheaper than me assigning agents from across the southwest border over to El Centro.

So I'm putting them through across the southwest border and for the primary corridors based on threat. They also can be redeployed outside of those corridors if need be.

PRICE:

Mr. Chairman, may I just ask before you turn to Mr. Carter for a quick answer to my main question which had to do with where could we expect these hiring levels to be at the end of this year from each of you if you don't mind.

FISHER:

Sir, we are on track by September of this year to have 21,370 border patrol agents. That does include the 1,000 additional based on the supplemental funds.

PRICE:

Does or does not?

FISHER:

It does sir.

PRICE:

It does include.

FISHER:

Yes, sir.

And we will have the 250 on by the end of fiscal year.

PRICE:

By the end of fiscal year.

Thank you. Thank you, Mr. Chairman.

ADERHOLT:

Okay. Thank you, Mr. Carter?

CARTER:

Thank you, Mr. Chairman.

I think I better start off by saying I came off a little harsh last time. I'm an old trial judge and some of you at least, I know, were judges in the past. But I want you to know that I'm a friend of every agency you represent.

I have worked today -- I'm a huge supporter of the Coast Guard, I sat on the border with the border patrol in the dark. I've worked with all of your agencies and highly appreciate you and I'm on your side.

I think you got a tough job and I think you can do the job and I ask the questions and in the spirit of trying to get the job done, now, here's a couple of question. First, I got to go to the first one, Admiral, I got a call last week from Senator Ogden from my state -- a state senator from my state on behalf of my governor, Governor Rick Perry asking if the Coast Guard would consider putting a permanent presence on our two lakes on the Rio Grande.

And even better, I'd love to see them have a presence at least from the mouth of Brownsville all the way up to the dam. Would the Coast Guard, if we can provide the resources, that if you would be needing authorization language to do that, we would be glad to prepare that authorization language. Would that be a mission that the Coast Guard could accomplish?

ZUKUNFT:

Well, certainly we are seeing what impact our surge operations, again, and about each quarter, we send teams to each lake for about a one week period to see what impacts that have - you know, is this a transitory threat or is this one that is going to be there for perpetuity?

And you did hear Admiral Papp say that in order to source that within our base right now, we have to rob from one missions to do another. So if this is clearly the will of our nation, it would take a permanent presence to include the infrastructure to...

CARTER:

I would hope it is the will of our nation but I can guarantee it's the will of the state of Texas. Okay?

And those folks count to me. So I will be in touch with the Coast Guard and work with you on getting you the additional resources and authorization language if anything. Gentlemen, my cattle farm, cattle rancher and we produce -- we are the largest cattle-producing state in the Union. We got 14% of the US Cattle -- Beef-Cattle production in 2010.

Mexico is a huge meat producer and they purchase a whole lot of our beef, we swap cattle with Mexicans about 1.2 million head of cattle a year. And this is the normal commerce that goes on. In addition, our Rio Grande Valley is one of the highest crop production area for truck farm and side crops in the entire country outside of California.

And we are getting reports from our farmers and ranchers that they are frightened and scared. The ranchers -- many of the ranchers are reporting that the border patrol has pulled back a mile from the river in some instances leaving them where they feel like they are out in no man's land, the -- our Texas Ag Commission has just produced -- came up yesterday in fact, a website, www.protectyourtexasborder.com, I recommend that you go and look at that and they are showing some of these ranchers and then with night vision, showing you the invasions of their ranches.

The irrigation farmers are saying they can't turn the water on at night in the Rio Grande Valley because they have been warned if they flood the field when they are coming across, they are coming after them, they are going to kill them and their families. They are frightened on the border and you know, agriculture is the number two employer and number two heart of the economy of Texas, oil being number one.

And we desperately need something to protect those folks and we are -- probably want to give you more resources, we would probably be willing to give the border sheriffs more resources, local law enforcement more resources, whatever you think will help allow the citizens of Texas to live safely on that border.

And I will tell you from having this year, visited the state of Arizona, god bless the people there because they don't even have a river. And I don't know how they are surviving but I'm right now, talking about things that have been asked to me by my fellow Texans.

Any place we can give resources to other law enforcement or to you, I'm willing to do my very best to get that and I need you to tell me how the cooperation is with locals is enhancing the border sheriff's deputies, and assistance from California to the Gulf of Mexico, we are willing to do it. You tell me what you need.

So we got any suggestions? How about local law enforcement? So mode deputies backing you up, does that help?

ZUKUNFT:

Yes, sir. Not only does it help, it's critical to our mission to be able to do that. As a matter of fact, with Operation Stone Garden grants that the department hands out, that helps them to be able to augment the missions, and again, it's not, you know, having them stand side by side all along the river for instance, it's recognizing beyond sharing of the information, deploying in high risk areas for them to be able to use their jurisdictional authority to say it has the same impact and help us in our ability to disrupt and dismantle those organizations.

CARTER:

Stone Gardens for overtime pay, as I understand it, and some of these really small and I visited with some of them in Arizona, I visited them in Texas, some of them are really small departments with big counties as I know you are all aware of.

And they need something to get to hire more deputies as well as to give overtime. Some of those guys are working a lot of overtime. So I've been working on getting some -- hire new deputies as well as this great program, Stone Garden which I thoroughly approve of.

(UNKNOWN)

Congressman Carter, let us not forget the ports of entry from the standpoint of what the deputies do down there for us also. They are working outbound operations, we partake in the Stone Garden, go down the Hidalgo and I just met with the chief of police down there, they have a strong presence making -- they are helping us make millions of dollars of seizures every year so let us not forget the ports of entry.

CARTER:

Well, we take that they are a good backup to a great program that you are working diligently on and I will tell you, we will testify before any court under oath that the work that -- that border patrol was doing in the dark, when I was out there with him that night, you can't pay people enough to do that job.

It is a terrible job, and by the way, I got another question real quickly. Our agents are getting killed in Mexico and they are unarmed and I ask this of the head of the department and I didn't get an answer. I might not get an answer today. Are you the only unarmed American agents that go into Mexico? Are there other agencies also unarmed like the FBI, the drug enforcement people and others?

Are you the only ones that are unarmed or is everybody unarmed when they go to Mexico?

ZUKUNFT:

That is a great question and rather than discuss our security posture overseas in an open forum, I would love to sit down and we can...

CARTER:

The answer I got last...

ZUKUNFT:

I was willing to answer and I will...

CARTER:

In fact, that is the same answer your boss gave me. OK, let us discuss it because I don't like an idea because San Luis Potosi is not the border, San Luis Potosi is deep in Mexico. And for those guys that get ambushed deep in Mexico and all they can fight them with is a smile is not a good -- great place to be.

Thank you all of you. God bless you.

ADERHOLT:

Thank you, Mr. Carter.

And thank you each of you for appearing before the Subcommittee today and providing your insights of the Southwest border and the operations there. As I mentioned in my opening remarks, and I have said that we have always made operational needs a priority from this subcommittee and we take that very seriously. As I know all of you do as well.

The safety of the men and women who stand in the front lines are a great concern to us.

Before we close today, I want to hear from each of you if there is anything that you need, issues or resources that we need to address, and to do everything possible to keep your people safe in the field.

(UNKNOWN)

Mr. Chairman, I want to thank you for the opportunity to respond to that question and I don't have anything right off the bat to respond to other than thank you and your staff for their responsiveness and helping us understand what the requirements are and what the end-state looks like in terms a secure border. Your staff has been very good so thank you, sir.

WINKOWSKI:

The only thing I would add is just a couple of issues. We received quite a bit of money under the -- with \$100 million for our NII equipment that is out there at the ports of entry as well as over \$700 million for road improvements in ports of entry on the Northern Border as well as the Southern Border.

I do think that we need to keep our eye on the ball. We have had growth in field operations but again, we are a unique animal in that we have got this dual mission of facilitating legitimate trade and travel and also making sure that dangerous people and dangerous things don't come in this country.

And as we continue to open up new ports of entry, I mentioned Donna and Anzalduas in Texas, that we need to make sure the resources come with that. Oftentimes, they don't. and we have to keep our eye on that as well as place like San Isidro, we are going to go from 24 ports, 24 booths to 63.

And we got to staff those and you know, there is a big economic engine and you all are mentioning that today that happens at that port of entry. And I think we need to continue to give you the right matrix, we need to continue to give you the right data, we need to continue to present our case in that regard.

ADERHOLT:

Thank you, and we will allow our staff to follow with that.

ZUKUNFT:

And sir, I just like to follow up, I want to thank you as well. I mean I think ICE has really come into its own. What I ask for and what we have been working with the committee on is really to ensure that we maintain that momentum and moving forward into the next future budget years.

ADERHOLT:

Thank you, Admiral.

ZUKUNFT:

And Mr. Chairman, I'm just thankful to the committee, you know, on Friday, we decommissioned a 67-year old cutter in Ketchikan, Alaska, the Acushnet. Unfortunately, there is another 67- year old cutter than now owns the distinction of being the oldest cutter in our fleet and it's the crews of those ships that are keeping us ready.

And so when I say we are on life support, that is -- you know, it's really on the backs of our people right now that are keeping us ready for today and tomorrow but the fact that you have supported our recapitalization of our fleet, that will better posture us as we look at the Southwest Border not just today but tomorrow as well.

So to the committee, I'm thankful for your support.

ADERHOLT:

OK. I thank each of you for your candor this morning and the hearing is adjourned.