

United States Department of Homeland Security

Statement for the Record

before the

Committee on the Judiciary

Subcommittee on Crime, Terrorism, and Homeland Security

U.S. House of Representatives

March 11, 2008

Good morning, Chairman Scott, Ranking Member Gohmert, and distinguished members of the subcommittee. We would like to thank you for the opportunity to testify today on the law enforcement and investigative responsibilities of the Department of Homeland Security (DHS)—specifically the responsibilities of the United States Secret Service, the Transportation Security Administration (TSA), the United States Customs and Border Protection (CBP), the United States Immigration and Customs Enforcement (ICE), and the United States Coast Guard. As you will see, DHS has utilized its authorities to protect our nation from dangerous people, protect our critical infrastructure, and protect our nation from dangerous goods.

U.S. Secret Service

While the Secret Service is perhaps best known for protecting the president, vice president, and other high-ranking public officials, the Secret Service originated as an investigative law enforcement agency. The Secret Service was established in 1865 to suppress the rampant counterfeiting of U.S. currency. Since then, the Secret Service's investigative mission has evolved and the agency has adapted to thwart attempts by both individuals and criminal organizations to exploit the nation's financial infrastructure through varied financial crimes. Currently, the Secret Service investigates criminal violations relating to the counterfeiting of obligations and securities of the United States (18 U.S.C. §§ 470 - 474); financial crimes such as access device fraud (18 U.S.C. § 1029), financial institution fraud (18 U.S.C. § 1344), and identity theft (18 U.S.C. § 1028); cyber crime such as network intrusions, malware, and online organized crime (18 U.S.C. § 1030; and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure (18 U.S.C. § 1030).

To accomplish its investigative mission, the Secret Service operates 139 domestic offices (including domicile offices) and 21 foreign offices in 16 countries. The agency works closely with federal, state, and local law enforcement entities, as well as other U.S. government agencies and foreign police counterparts to maximize its efforts.

Counterfeiting:

The Secret Service is proud of its role and success in protecting the worldwide integrity of U.S. currency. Last year, the Secret Service arrested more than 2,200 suspects for counterfeiting offenses and helped to remove over \$147 million in counterfeit U.S. currency from circulation. The agency continues to adapt to the trends in counterfeiting, which have been influenced in recent years by computer-based technologies. The widespread use of personal computers and advancements in digital printing technology has provided more individuals the opportunity to manufacture a passable counterfeit note with relative ease. Approximately 58% of the counterfeit currency passed domestically in FY 2007 was produced using digital printing means, compared with less than 1% in FY 1995.

Financial Fraud and Electronic Crimes:

In our role of safeguarding the nation's critical financial infrastructure, the Secret Service has a long history of protecting American consumers and the financial industry from fraud. With the passage of legislation in 1984, the Secret Service was provided authority for the investigation of

access device fraud, including credit card and debit card fraud, and parallel authority with other law enforcement agencies in identity theft cases. In recent years, the combination of the information revolution and the effects of globalization have caused the investigative mission of the Secret Service to evolve.

Through our work in the areas of financial and electronic crime, the Secret Service has developed particular expertise in the investigation of identity theft, false identification fraud, credit card fraud, debit card fraud, check fraud, bank fraud, online back account and investment portfolio takeovers, cyber crime, malware, and computer network intrusions. In Fiscal Year 2007, Secret Service agents arrested over 4,300 suspects for financial crimes violations. These suspects were responsible for approximately \$690 million in actual fraud loss to individuals and financial institutions.

In fact, the Secret Service has observed a marked increase in the quantity and complexity of financial crimes in recent years—particularly offenses involving identity theft and access device fraud. The recent trend observed by law enforcement is the use of computers and the Internet to launch cyber attacks targeting citizens and financial institutions. Cyber criminals have become adept at stealing victims' personal information through the use of phishing emails, account takeovers, malicious software, hacking attacks, and network intrusions resulting in data breaches.

This stolen information is often sold in bulk quantities through illicit Internet portals. These portals, or "carding websites," can be likened to online bazaars where the criminal element converges to conduct their business. The websites vary in size, from just a few dozen members to more popular sites which boast memberships of approximately 8,000 users. These websites are often composed of separate forums which are moderated by notorious members of the cyber crime community. Within these websites, cyber criminals can buy, sell, and trade malicious software; spamming services; hacking services; credit, debit, and ATM card data; and personal identification and bank account information. The Secret Service is currently conducting approximately 15 online undercover investigations targeting domestic and international groups that are using malicious web-based forums to trade stolen information.

The Internet has enabled criminal groups involved in financial crimes to routinely operate in a multi-jurisdictional environment. By working closely with other federal, state, and local law enforcement representatives, as well as international police agencies, the Secret Service is able to provide a comprehensive network of information sharing, resource sharing, and technical expertise that bridges jurisdictional boundaries. This partnership approach to law enforcement is vital to our criminal investigative mission.

Financial Crimes / Electronic Crimes Task Forces:

The Secret Service has established a national network of 29 Financial Crimes Task Forces and 24 Electronic Crimes Task Forces in major metropolitan areas across the United States. These task forces leverage the combined resources of our federal, state, and local law enforcement partners, as well as technical experts from academia and private industry, in an organized effort to combat threats and effectively investigate crimes directed at our critical infrastructure. Collaboration between law enforcement and the private sector is critical to our preventative approach to financial and electronic crimes. We also build partnerships with academia to ensure

that law enforcement is on the cutting edge of technology by leveraging the research and development capabilities of teaching institutions and technical colleges.

To provide our special agents with the advanced skills needed to identify and address cyber vulnerabilities, the Secret Service established the Electronic Crimes Special Agent Program (ECSAP) in 1987. Agents trained through ECSAP are computer specialists, qualified to conduct network intrusion investigations and forensic examinations of various types of electronic evidence, including computers, personal data assistants (PDAs), telecommunications devices, electronic organizers, and other electronic media. Currently, the Secret Service has approximately 770 ECSAP-trained agents assigned to more than 85 offices worldwide. We are continuing to expand this program and, by the end of FY 2008, the Secret Service expects to have over 1,000 ECSAP-trained agents.

Further, the Secret Service will have a key role in the implementation of the Administration's cybersecurity activities, as outlined in the recent Presidential directive addressing cybersecurity policy.

The Secret Service has adapted to the constantly evolving criminal environment. We will continue to aggressively investigate all offenses within our jurisdiction to protect consumers and financial institutions. The Secret Service is committed to our mission of protecting the worldwide integrity of U.S. currency and safeguarding the nation's critical financial infrastructure.

Transportation Security Administration

Prior to 9/11, the air marshal program consisted of less than 50 personnel who were classified as civil aviation security specialists rather than law enforcement officers. These personnel operated under the direction of the Federal Aviation Administration and primarily flew international missions. In the aftermath of 9/11, the Administration and Congress agreed that a stronger federal air marshal program was required. First under the Department of Transportation within TSA, and now within DHS, the Federal Air Marshal program is the largest such program in the world and has evolved into a critical layer of aviation security. The Federal Air Marshal Service (FAMS) today has not only expanded in size, but has been enhanced in quality by requiring all air marshals to meet the high standards associated with an 1801 law enforcement series. Today, Federal Air Marshals fly on thousands of domestic and international missions, conduct valuable surveillance within airport perimeters, and participate in joint law enforcement efforts with other agencies.

TSA's office of Law Enforcement / FAMS enhanced this operation and promotes confidence in our Nation's civil transportation systems through the effective risk-based strategic deployment of Federal Air Marshals and other law enforcement resources in both air and land-based mission assignments. The organization's primary focus is to detect, deter, and defeat terrorist or other criminal hostile acts targeting U.S. air carriers, airports, passengers, crew, and, when necessary, other transportation modes within the Nation's general transportation systems.

The authority for the Federal Air Marshals is found in Title 49 USC section 114(q) - Law Enforcement; section 44917(a) - Deployment of Federal Air Marshals; section 44903(d) -

Authorizing Individuals To Carry Firearms and Make Arrests, and, most recently, PL 110-53, section 1303, which authorizes Federal Air Marshals to participate in Visible Intermodal Prevention And Response (VIPR) Teams.

In addition to the FAMS, the Office of Law Enforcement's resources conduct Joint Vulnerability Assessments (JVA) and Man Portable Air Defense Systems (MANPADS) assessments. The JVA is a joint effort undertaken by TSA and FBI with the purpose of assessing current and potential threats to commercial air transportation facilities within the United States. TSA has committed to conducting MANPADS vulnerability assessments—evaluations of close-range threats such as shoulder-fired missiles—at all of the largest airports on an annual basis. Also, the FAMS are full partners with the FBI's Joint Terrorism Task Force (JTTF). FAMS are assigned to every FBI field office JTTF (56) and the National JTTF as well.

The OLE/FAMS also operate a robust explosives detection canine program. TSA has met projections for FY07 with the deployment of a total of 422 canine teams in the aviation domain. Additionally, there are currently 56 teams deployed in the mass transit environment for a current total of 478 teams.

FAMS have participated in hundreds of TSA-led VIPR operations, where FAMS, TSA inspectors, transportation security officers, and any TSA assets assist federal agencies and local law enforcement responding to specific threats or high-risk situations aimed at the nation's transportation network. FAMS also began partnering with other DHS agencies towards forming and deploying task-organized VIPR teams utilizing the combined skill sets, resources, and expertise of DHS's seven major operating agencies. The FAMS have participated in all Departmental VIPR teams to date.

One of FAMS unique deployments includes our response following the unprecedented events surrounding Hurricane Katrina and the relief we provided to thousands of travelers who were trapped at the Louis Armstrong International Airport in New Orleans, while other residents inundated the airport in the aftermath of the storm. With virtually no state or local law enforcement presence on the airport grounds, the few federal officials and employees of the TSA there were quickly overwhelmed.

The FAMS responded to this dire situation by activating a 24-hour crisis center during the evening hours of Thursday, September 1. Approximately 500 FAMS were then activated from 15 Field Offices. These FAMS traveled to New Orleans, restored and maintained security at Louis Armstrong International Airport for over three weeks, and ensured the safety of TSA personnel as well as the displaced residents on hundreds of humanitarian flights out of the stricken city.

The FAMS's unique capabilities were also exhibited in the early morning hours of August 10, 2006, when the FAMS strategically redeployed significant assets in reaction to the unfolding terrorist plot to detonate liquid explosives to be carried onto airplanes traveling to the United States from the United Kingdom. The FAMS were able to deploy quickly and efficiently to the United Kingdom to provide an additional layer of security onboard airplanes destined for the United States. The rapid deployment insured that international travelers were protected against

any terrorist act that might be perpetrated in connection with the plot. Over a 30-day period, the FAMS's surge capacity enabled coverage of over 1500 flights between major airports in the United States and United Kingdom, utilizing more than 1,000 FAMS.

U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) protects our nation's borders from terrorism, human and drug smuggling, illegal migration, and agricultural pests while simultaneously facilitating the flow of legitimate travel and trade.

As the nation's single unified border agency, CBP's mission is vitally important for the protection of the American people and the national economy. Nearly 44,000 CBP employees and law enforcement officers work in a variety of ways to secure the nation's borders both at and between the official ports of entry and also to extend our zone of security. CBP secures America's borders through three major law enforcement entities: Field Operations, Border Patrol, and Air and Marine.

CBP officers are responsible for enforcing over 400 laws for 40 agencies at the border, which govern both imports and exports of goods and entry and exit of persons and conveyances. To that end, CBP officers have the authority to enforce federal civil and criminal laws, carry firearms, and make arrests for offenses committed in their presence or for felony offenses where the officer has probable cause to believe the person committed the crime. CBP's enforcement of border-related laws is wide ranging, and CBP works closely with various other agencies or departments to enforce these laws, including U.S. Immigration and Customs Enforcement (ICE), U.S. Coast Guard, U.S. Drug Enforcement Administration, Federal Bureau of Investigations (FBI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and other federal agencies. CBP works most closely with ICE, which acts, in most respects, as CBP's investigatory arm.

For example, under Title 18 of the U.S. Code, CBP often enforces non-immigration offenses such as smuggling, money laundering, child pornography, and criminal trademark infringement. Common immigration-specific violations of Title 18 at the border include false claims to U.S. citizenship, fraud involving identity documents, reproduction or fraud involving citizenship documents, forgery or false use of passports, and false statements to a federal officer. CBP is also often involved in arresting individuals for assault on a federal officer and felon in possession of a firearm.

CBP has primary responsibility for enforcing the immigration laws of Title 8 and the customs laws of Title 19 at the border. The Immigration and Nationality Act (INA), within Title 8, has its own criminal provisions. For example, under INA section 274, the acts of illegally bringing in, transporting, harboring, or encouraging someone to enter the United States at someplace other than a port of entry can result in serious felonies. In addition, violations of Title 8 may also form the basis of a Title 18 prosecution. Common prosecutions based on violations of the INA discovered by CBP at the border include alien smuggling, illegal entry into the U.S., illegal re-entry into the U.S., and importation of aliens for immoral purposes. CBP also enforces criminal provisions under Title 31; administers the currency and monetary instrument reporting requirement of Title 31; interdicts bulk cash smuggling; and enforces laws relating to imitation

firearms in Title 15, Title 17 copyright infringement, exportations contrary to law in Title 22, including Trading with the Enemy Act violations of Title 50, and Arms Export Control Act violations in Title 22.

In order to enforce these laws, CBP utilizes partnerships with other federal agencies. A few examples of these partnerships are Operations Uniforce, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (BTA), and operations within the CBP Air and Marine (A&M).

From January 13, 2008 to January 26, 2008, Border Patrol Agents from the New Orleans Sector conducted Operation Uniforce to interdict alien and narcotic smugglers. This multi-agency operation was conducted utilizing traffic observation units on I-20 operating between the Mississippi River and the city of Jackson, Mississippi. Forty Border Patrol Agents and two canine handlers from the New Orleans Sector conducted the operation with Office of Field Operations (OFO) Special Response Team Members, agents from ICE's Detention and Removal Officers, CBP Air and Marine, the Mississippi Highway Patrol, the Rankin, Madison, and Hines County Sheriff's Departments, along with the Pearl and Clinton Police Departments. The intelligence data that was gathered during Operation Uniforce provided valuable insight into identifying the criminal organizations that use the I-20 corridor for human and narcotic trafficking.

The BTA authorized the U.S. Food and Drug Administration (FDA) to receive information regarding imports, enabling the agency to target shipments of food for human or animal consumption prior to arrival at U.S. ports of entry. The BTA provides CBP the opportunity to assist FDA with the prior notice requirements. CBP works jointly with FDA to augment an existing automated interface to institute a prior-notice reporting requirement with minimal disruption to the trade.

Under provisions of Title 18, CBP A&M operates in direct support of the Coast Guard, Secret Service, DEA, FBI, ATF, and other federal, state, and local law enforcement agencies. CBP A&M operates in support of DHS operations for CBP, ICE's Office of Investigation, and Federal Protective Service and Detention and Removal Operations. CBP A&M also provides critical air and marine support to other federal, state, and local law enforcement agencies, including the U.S. Secret Service, DEA, FBI, ATF, and the Coast Guard.

CBP A&M operates in support of multi-agency and international partnerships to deter and combat the threat of illegal activity. CBP A&M has developed skills in air and marine operations by providing training and vessel to vessel operations and the integration of air and marine assets under the establishment of a joint DEA/Columbian/CBP command center in Cartagena, Colombia, enabling the interdiction of maritime targets leaving northern Colombia.

Overall, CBP is responsible for guarding 7,000 miles of land border the United States shares with Canada and Mexico and 2,000 miles of coastal waters surrounding the Florida peninsula and off the coast of Southern California. The agency also protects 95,000 miles of maritime border in partnership with the United States Coast Guard.

To secure this vast terrain, more than 15,500 CBP Border Patrol agents and CBP Air and Marine agents, and approximately 20,000 CBP officers and agriculture specialists, together with the nation's largest law enforcement canine program, stand guard along America's front line.

- CBP officers protect America's borders at official ports of entry, while CBP's Border Patrol agents prevent illegal entry into the United States of people and contraband between the ports of entry.
- CBP Air and Marine, which manages the largest law enforcement air force in the world, patrols the nation's land and sea borders to stop terrorists and drug smugglers before they enter the United States.
- CBP agriculture specialists prevent the entry of exotic plant and animal pests, and confront emerging threats in agro- and bioterrorism.

While carrying out its priority anti-terrorism mission, CBP must also work to facilitate the movement of legitimate trade and travelers, as the agency processes all people, vehicles and cargo entering the United States. On a typical day in fiscal year 2007, CBP processed approximately 1.1 million passengers and pedestrians; 70,000 containers; 304,000 privately owned vehicles; and 83,000 shipments of goods approved for entry. Through law enforcement operations and partnerships with other federal, state, and local agencies, CBP's frontline officers and agents will continue to protect America from the terrorist threat while also accomplishing our traditional missions in immigration, customs, and agriculture.

U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) is the lead investigative federal agency for enforcing that nation's immigration laws under Title 8 of the United States Code, in addition to specific law enforcement authority found under Titles 18 and 19, among others. Some of the areas included in the enforcement of these laws are National Security, Public Safety, Commercial and Identity Fraud, Illegal Smuggling of Contraband, and Money Laundering. The merger of the legacy federal authorities now makes ICE the second most diverse law enforcement agency within the federal government. In 2003, the Office of Investigations started with a total of 5,190 agents. As of today, there are a total of 5,516 agents, although ICE plans to hire an additional 296 agents in 2008 and the President has asked for an additional 87 in 2009.

Given that ICE has such broad law enforcement and investigatory responsibilities, we leverage these responsibilities by aligning our authorities with the risks that face the nation today. ICE protects national security and upholds public safety by targeting terrorist organizations and other criminal networks that seek to exploit vulnerabilities in our immigration system, in international trade, in our financial networks, along our borders, at federal facilities, and elsewhere in order to do harm to the United States. The end result is a safer, more secure America.

In this regard, ICE enacted a multi-year strategy of improving immigration enforcement through more efficient management, focused enforcement efforts that target the most dangerous illegal aliens, worksite enforcement initiatives that target employers who defy immigration law, and reducing the pull of the "jobs magnet" that draws illegal workers across the border in search of employment. At the same time, ICE stepped up the battle against financial crime and the

exploitation of legitimate financial networks by criminal organizations using methods to earn, move, and store illicit funding needed to support their criminal enterprises.

ICE's risk-based approach shapes interior immigration enforcement, in which we are prioritizing everything from criminal aliens and fugitives to the application of our customs fraud authorities to prevent the importation of tainted commodities and counterfeit pharmaceuticals. This approach shapes our methods to target drug and other contraband smuggling with financial authorities and international partnerships—and it means that we continue to work to thwart the illegal export of weapons and sensitive technology.

To target some of the most dangerous criminals and sophisticated criminal organizations, ICE has developed robust initiatives to enforce our immigration laws in the interior, including programs that specifically target child predators and gang members, ensure compliance on the part of those who visit the U.S., target alien absconders – fugitives who've failed to comply with a lawful judicial order to leave the country – and dismantle the infrastructure that supports illicit immigration such as illegal employment and the fraudulent document trade.

For example, ICE created its Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) Center in FY06, and it has been integral to DHS's effort to halt criminal activity by aliens. The DEPORT Center conducts interviews of inmates in remote prisons from a centralized location. Through the combined effort of the DEPORT Center and local ICE resources, coverage is provided to all 114 federal detention facilities. This ensures that criminal aliens are taken into ICE custody upon the completion of their federal sentences rather than being released into U.S. communities.

While ICE's immigration enforcement initiatives most often relate to people wanting to come in to our country, another key risk we guard against is efforts to take sensitive technology and arms out. In FY 2007, arms and strategic technology investigations resulted in 188 arrests, 178 indictments, and 127 convictions for export-related violations—more than any other U.S federal law enforcement agency.

ICE's 287(g) program, authorized under the 1996 Immigration and Nationality Act, has emerged as a key partnership tool in allowing ICE to train state and local officers in immigration enforcement. Once in place, the 287(g) agreement allows ICE to delegate enforcement powers to state and local agencies, who serve as force multipliers in immigration enforcement in their communities. In August 2007, ICE announced the launch of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) program to expand the opportunities for law enforcement partnerships. Under the ACCESS program, ICE works with local officials to determine specific enforcement challenges and develop partnership plans that help fight document fraud, illegal immigration, gang activity or other critical law enforcement challenges.

Recognizing that there are more than 775,000 state and local law enforcement officers in the country, ICE is leveraging our authorities to develop partnerships under the ACCESS program and the cross designation programs such as 287(g) and customs.

ICE's risk-based approach also shapes our methods to target drug and other contraband smuggling. ICE has developed a full cadre of investigative expertise—including undercover operations, use of confidential informants, wire intercepts, controlled deliveries, consensual monitoring, and electronic surveillance—to combat smuggling organizations. These smuggling organizations use every imaginable method to smuggle contraband into this country, including the use of aircraft, automobiles, trucks, maritime vessels, backpacks, tunnels, and railways. Additionally, smuggling organizations infiltrate and use legitimate businesses and industries as mechanisms for smuggling illicit goods and narcotics into the United States.

In FY07, ICE conducted investigations resulting in the seizure of 232,000 pounds of cocaine and 1.3 million pounds of marijuana, as well as obtained 5,900 narcotics-related convictions. Using our financial tools and international partnerships, we are pushing out beyond our borders. Our Trade Transparency Units represent unique relationships with foreign nations that allow us to share import and export data to identify trade anomalies that suggest money laundering. Our agents, thanks to these partnerships, are effectively identifying schemes designed to hide the illicit proceeds from the drug trade and sale of dangerous consumer goods, foreign tax fraud, and other transnational criminal activity.

Other dangers from which ICE protects this nation are less obvious: Traditional customs fraud, in many cases, constitutes serious and unrecognized public health risks. Take, for example, Operation Guardian, an ongoing ICE-led operation with CBP, the FDA, and Consumer Product Safety Commission, to investigate imports of substandard, tainted, and dangerous products from the People's Republic of China. The operation to date has resulted in the seizure of more than 59,000 tubes of diethylene glycol- and bacteria-laden toothpaste bound for U.S. markets and the initiation of joint US/PRC investigations. Diethylene glycol is a toxic chemical used to make antifreeze. And this is one of many similar cases involving tainted goods which would otherwise be on store shelves just waiting for purchase by American families.

The Federal Protective Service, responsible for policing, securing, and ensuring a safe environment in which federal agencies can conduct their business, seized more than 760,000 prohibited items last year. They investigated hundreds of threats posed against the more than 8,800 federal facilities and millions of visitors to federal buildings nationwide.

ICE's approach—focusing on risk and going after the money—yields real results: since 2003, ICE has seized more than \$600 million in cash and monetary instruments, and more than \$580 million worth of real property, vessels, aircraft, artwork, vehicles, and jewels. ICE's law enforcement and investigatory work can be dangerous and difficult, but we tackle our responsibilities each day with pride and professionalism.

U.S. Coast Guard

The Coast Guard has served as our nation's primary federal maritime law enforcement agency since the first Congress of the United States created the Revenue Cutter Service in 1790 to enforce maritime laws, interdict smugglers, and protect American shipping. The Coast Guard is one of the oldest organizations of the federal government and, until the Navy Department was established in 1798, we served as the nation's only Armed Force afloat. Today, the Coast Guard

is the only Armed Service with statutory responsibility and authority for direct law enforcement action.

Since the beginning of the Republic, Congress has granted our Service expansive authority to board and inspect vessels at sea without particular suspicion. After the Civil War, Congress removed geographic limitations on our boarding authority and directed the Service to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas, in addition to waters subject to the jurisdiction of the United States. This worldwide boarding authority, now codified in 14 U.S.C. §§ 2 and 89, is the foundation of the Coast Guard's maritime law enforcement mission. Coast Guard boarding activity is as critical to the national security and economy of the United States today as it was in 1790. Not unlike the boarding officers of the Revenue Cutter Service over 200 years ago, today's boarding officers lead teams, usually embarked in boats and sometimes delivered from helicopters, to "make inquiries, examinations, inspections, searches, seizures and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection and suppression of violations of laws of the United States."

The Coast Guard conducts an average of 190 boardings each day around the world. The daily fare of Coast Guard assets and boarding teams includes drug smuggling, alien smuggling, illegal incursions into the U.S. Exclusive Economic Zone, breaches of fisheries and living marine resources laws, violations of boating safety and navigation regulations, substance abuse while operating vessels, and environmental crimes.

The influx of illegal drugs is one of America's greatest maritime security threats. The Coast Guard is the lead federal agency for maritime drug interdiction in the transit zone - a six million square mile area roughly the size of the continental United States including the Caribbean, Gulf of Mexico, and Eastern Pacific—and shares lead responsibility for maritime threats within U.S. territorial waters with U.S. Customs and Border Protection. The Coast Guard's mission is to reduce the supply of drugs from the transit zone, originating in South America, by denying smugglers the use of maritime, as well as air routes and conveyances. In order to overcome the "tyranny of distance," the Coast Guard depends on technological innovation, partnerships with other federal agencies, and countries and actionable intelligence.

One example of technological innovation is the broad expansion of armed counterdrug helicopter capabilities used to disable fleeing vessels or to compel them to stop (airborne use of force (AUF)). The Coast Guard operates a special armed helicopter squadron of HH-65C helicopters, which has been tremendously effective at interdicting elusive, high speed go-fast vessels. United Kingdom (U.K.) Royal Navy ships are also deploying to the Caribbean Sea with U.S. Coast Guard law enforcement detachments who support the U.K.'s armed helicopters, and U.S. Navy helicopters operate with Coast Guard gunners on board Navy warships in the Caribbean and Eastern Pacific. The overwhelming success of AUF has caused drug trafficking organizations (DTOs) to shift tactics, using smaller go-fasts with contraband concealed within the construction and avoiding the most direct deep water routes between departure point and destination. DTOs have also been driven to the littorals along Central America where they are more susceptible to coastal State interdiction forces.

The Coast Guard relies on international and interagency partnership to complete its missions. One example of this is the Joint Interagency Task Force (JIATF) South, which is responsible for directing interagency detection, monitoring and sorting of air and maritime drug smuggling events; fusing intelligence activities; and planning and conducting flexible operations within their respective joint operating area. This enables the Coast Guard to interdict and disrupt drug smuggling events in the transit zone. Every department and agency with a drug interdiction responsibility and role participates in making JIATF-South an extremely effective and efficient operation. JIATF South also utilizes foreign liaison officers from 11 different countries to facilitate transnational cooperative counterdrug efforts.

One of the emerging and most significant threats we face in maritime law enforcement today is manned and unmanned self-propelled semi-submersible (SPSS) vessels that transport multi-ton loads of cocaine and other illicit cargo bound for the United States. SPSS vessels are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water, making them difficult to detect. SPSS are typically less than 100 feet in length and carry up to five crew and 12 metric tons of illicit cargo (4-6 tons typically) at speeds of up to eight knots. SPSS vessels can travel from the north coast of South America to the southeastern U.S. without refueling. According to the Consolidated Counter Drug Database (CCDB), 23 SPSS drug smuggling events occurred between January 2001 and September 2007. Between October 1, 2007 and February 1, 2008, the CCDB reported an unprecedented 27 SPSS events that successfully delivered an estimated 111 metric tons of cocaine.

The SPSS vessels encountered by the Coast Guard are stateless vessels built in the jungles of South America with no legitimate use. They are built for stealth and the capability to rapidly scuttle. Their crews typically abandon and sink the vessels and contraband when detected by law enforcement in order to evade U.S. prosecution for drug trafficking. Although U.S. interdiction forces nearly always capture imagery of detected SPSS and the crews abandoning them before they sink, attempting to access and recover contraband before a scuttled SPSS sinks is very dangerous and often impossible.

If operation and embarkation in an SPSS were illegal, U.S. interdiction forces and U.S. Attorneys would have the necessary legal tools to combat the SPSS threat even in the absence of recovered drugs or other contraband. Criminalizing the operation of SPSS vessels on international voyages would improve officer safety, deter the use of these inherently dangerous vessels, and facilitate effective prosecution of criminals involved in this treacherous and emerging trend.

The Coast Guard has closely coordinated with the Department of Justice to draft an amendment to Title 18, United States Code, to address this concern. We have already briefed committee staff on this amendment, and urge Committee action on, and House passage of, the amendment as soon as possible. The Coast Guard projects 85 SPSS events carrying 340 metric tons of cocaine during FY 2008, so we need your help now to counter this dangerous emerging threat.

Drug trafficking innovation is, of course, not limited to SPSS vessels. In 2007, the Coast Guard interdicted five separate vessels carrying a combined 21.5 MT of cocaine concealed in liquid form. "Liquid cocaine" consists of cocaine paste and base dissolved, usually in fuel oil, and

concealed within tanks or holds onboard smuggling vessels. This smuggling tactic allows smugglers to quickly jettison the illicit cargo into the sea when encountered by law enforcement assets. To combat this threat, the Coast Guard, with our partners at ICE, the Drug Enforcement Administration (DEA), JIATF South, and PANEX, has developed procedures for the detection, identification, and preservation as evidence of liquid cocaine. Additionally, the Coast Guard has used advanced interdiction tactics to board and secure smuggling vessels to prevent the crews from destroying evidence or scuttling vessels.

As we turn to the Coast Guard's alien maritime interdiction operations, we would like to thank the House Judiciary Committee for hearing and acting on our request in 2007 for enhanced offenses involving maritime alien smuggling. Once enacted, the statutory amendment to 18 U.S.C. § 2237, developed by the Committee last fall and now appearing in Title VI of the Coast Guard Authorization Act, H.R. 2830, will be vital to Coast Guard mission accomplishment.

As the lead federal agency for maritime law enforcement, the Coast Guard is responsible for enforcing immigration laws at sea. Thousands of people try to enter this country illegally every year using maritime routes, many via dangerous smuggling operations in dangerously overloaded, unseaworthy, or otherwise unsafe vessels. The flood of undocumented migrants in boats onto America's shores is both a threat to human life and a violation of U.S. and international laws. Coast Guard migrant-interdiction operations are as much humanitarian efforts as they are law-enforcement missions. In fact, the majority of Coast Guard migrant interdiction cases begin as search and rescue missions.

The primary illegal migration threat comes from Haiti, the Dominican Republic, and Cuba; however, the Coast Guard has interdicted migrants of various nationalities throughout the Western Hemisphere. Successful illegal immigration potentially costs U.S. taxpayers billions of dollars each year in social services. The Coast Guard's mission is to interdict undocumented aliens as far from U.S. shores as possible and return them to their countries of nationality or origin. Swift repatriation deters many potential migrants and minimizes costly processes arising from illegal entry into the United States. In addition to relieving our citizens of this financial burden, the Coast Guard's efforts help to support legal immigration systems. Protection from political persecution and torture are also important concerns for the U.S. During the course of migrant interdictions, Coast Guard crews may encounter migrants requesting protection from persecution or torture. U.S. Citizenship and Immigration Services and the Department of State Bureau of Population, Refugees and Migration establish policies in this area and handle all potential protection cases arising from interdiction at sea.

The Coast Guard relies on technological innovation and partnerships with other federal agencies and countries to counter illegal alien smuggling. In the Mona Pass between Puerto Rico and the Dominican Republic, the deployment of mobile biometrics capability on 110-foot patrol boats and robust interagency support have resulted in a reduction in the flow of illegal migration by nearly 50 percent. The referral of 118 cases of criminal aliens identified at sea through mobile biometrics, including 33 aggravated felons and 77 aliens attempting to illegally re-enter the U.S. after deportation, seems to have stemmed the flow in what was the single largest migrant smuggling vector before biometrics-based prosecutions. This project would not have been possible without the full partnership of the DHS US-VISIT program, U.S. Customs and Border

Protection, U.S. Immigration and Customs Enforcement, the U.S. Attorney's Office in San Juan, the Department of State, and the Dominican Navy.

Similar to drug traffickers, migrant smugglers also profit from technological innovations—particularly high-speed, multi-engine go-fast boats. Go-fast smuggling vessels are replacing rafts and rusticas as the preferred mode of transportation due to the increased chance of success. We estimate that the rate of success for a raft or rustica is generally less than 25 percent, and never better than 50 percent. By comparison, the rate of success for a go-fast is estimated at 70 percent. The multimillion dollar human smuggling enterprise brings thousands of undocumented aliens to the U.S. at a price of up to \$10,000 a head. Despite a 35 percent increase in the number of cutter and aircraft resource hours targeted against illegal migration in the Florida Straits, migrant flow continues to increase in that vector. The transition to go-fasts constitutes a significant challenge for interdiction assets.

The effectiveness of any alien interdiction model is dependant upon the ability to deliver consequences to smugglers through prosecution or other action. It is imperative that we secure more effective prosecution tools, including the closure of loopholes that currently impede investigation and consequence delivery, longer sentences, special seizure, and forfeiture provisions for vessels outfitted for smuggling. We must also enhance sentences for vessels that fail to stop while engaged in alien smuggling.

The President's Maritime Operational Threat Response (MOTR) Plan provides for coordinated U.S. Government response to threats against the U.S. and its interests in the maritime domain by establishing roles and responsibilities enabling rapid and decisive response. The Coast Guard, as the Nation's leading maritime law enforcement agency, fulfills DHS's role as one of the principal MOTR agencies in the maritime domain. The Coast Guard brings broad law enforcement and military authorities, planning, and execution skills to operations requiring interagency coordination through the MOTR process in support of both maritime law enforcement and homeland security missions. The operations can include the deployment of integrated and adaptive capabilities (including use of force) required to locate, identify, intercept, apprehend, exploit, and, when necessary, defeat maritime threats. We use the MOTR process daily to engage and coordinate with our domestic interagency partners and with our foreign maritime law enforcement partners on drug, migrant, piracy, and fisheries cases.

The links between place, crime, control measures, and national identity are becoming more complicated—especially at the border. To a greater extent than ever before, crime and control measures are not always linked to a common national territory. Instead, criminals often exploit international borders, turning the seams between sovereigns into operational barriers for law enforcement. The Coast Guard's unique authorities, capabilities, competencies, and partnerships, foreign and domestic, enable the Coast Guard along with our fellow Department of Homeland Security agencies, to consistently and effectively enforce maritime laws, interdict smugglers and drug traffickers, and protect American resources.

Conclusion

Thank you again for this opportunity to testify on behalf of the Department of Homeland Security's law enforcement and investigatory responsibilities. Due to the breadth of the hearing, this written statement necessarily only outlines some of the important responsibilities that DHS fulfills in protecting this great nation. We will be pleased to answer any questions at this time.