

Testimony of
Secretary Janet Napolitano

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The Honorable Janet Napolitano

Secretary
United States Department of Homeland Security

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Committee on the Judiciary

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Chairman Leahy and members of the Committee: Thank you for this opportunity to discuss the many efforts the Department of Homeland Security is undertaking to secure our nation.

Since January 20, we have taken steps on all fronts to advance the Department's mission to protect Americans from the myriad threats the nation faces. We are moving forward in each of the five major mission areas that I see as critical to achieving the Department's security mission: guarding against terrorism; securing the border; enforcing our immigration laws in a tough, smart and effective manner; improving our preparedness for, response to, and recovery from natural disasters; and unifying the Department so it can become more cohesive and effective.

In the past several months, DHS has announced new protocols to ensure smart, effective enforcement of our immigration laws, ramped up our efforts on the southwest border to prevent the weapons and cash smuggling that feeds cartel violence in Mexico, signed new agreements with international allies to combat terrorism, and responded effectively to severe ice storms in the Midwest and record flooding in North Dakota and Minnesota. Currently, we are working with federal partners and across levels of government to actively respond to the threat of the current outbreak of the 2009 H1N1 virus.

I look forward to discussing our progress on each of these fronts with you. Before answering your questions, I will focus my prepared remarks on immigration and border-related issues.

I. PROTECTING OUR BORDERS

Southwest Border Strategy

The campaign of violence being waged by drug cartels in Mexico remains a major concern to our Department, and indeed, to the entire Obama Administration. America has a significant security stake in the success of Mexico's fight against the drug cartels. These cartels are the same criminal organizations that put drugs on our streets and use violence as a tool of their trade. Illegal drugs,

money, and weapons flow both ways across our border and inextricably link the United States and Mexico in this battle.

In response to this threat, we have implemented a southwest border strategy that will strengthen our efforts at the border through additional manpower, equipment, and technology; prevent the southbound flow of weapons and cash into Mexico; and increase support and collaboration with our Mexican counterparts. As part of this strategy, we are also deepening and expanding our engagement with federal partners such as the Departments of State, Justice, and Defense, as well as state, local, and tribal governments and border communities, all of which play a vital role in protecting the border.

In March, I testified before the Senate Committee on Homeland Security on the full extent of our southwest border strategy. Today I will summarize its core elements, which fall into three major categories: partnerships with state, local, and tribal law enforcement; support to Mexico; and the southbound strategy.

Partnerships with State and Local Law Enforcement

The partnership of state, local, and tribal law enforcement in the border region is essential to securing our nation against the threat of cartel violence and other threats to our border, including human smuggling and trafficking, and the illegal drug trade. State, local, and tribal law enforcement have significant roles to play both in addressing these threats and preparing for scenarios where violence in Mexico could further strain the United States.

DHS, along with its federal government partners, works collaboratively with state, local, and tribal governments in a number of ways - though more remains to be done. The Department created the Homeland Security Intelligence Support Team at the El Paso Intelligence Center in 2007 to improve information sharing among federal agencies and with state, local, and tribal partners. Immigration and Customs Enforcement (ICE) is also a member agency of the Organized Crime Drug Enforcement Task Force (OCDETF) Program, and actively participates in multi-agency OCDETF investigations of Mexican drug trafficking and money laundering organizations.

In 2006, DHS also created Border Enforcement Security Taskforces (BEST), which are led by ICE. BEST is not just a program; it is an innovative model for collaborative law enforcement. The 12 BESTs that currently exist (of which eight are on our southwest border) include the participation of ICE, Customs and Border Protection (CBP), the U.S. Coast Guard, and the DHS office of Intelligence and Analysis (I&A) on the DHS level; the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Federal Bureau of Investigation (FBI), and U.S. Attorney's offices on the Justice Department level; and state, local, and tribal enforcement agencies. Mexican law enforcement agencies also participate in BEST, and the government of Mexico has agreed to provide representatives to every BEST team on the southwest border.

The BEST model has been successful: DHS and its partners have cracked down on arms trafficking, human smuggling, bulk cash smuggling, and narcotics smuggling organizations.

Since their creation, the BEST teams, working in coordination with the Department of Justice and other law enforcement partners, have facilitated 2,166 criminal arrests, 2,900 administrative arrests, 924 indictments, and 763 convictions. In addition, BESTs have seized approximately 8,000 pounds of cocaine, 173,212 pounds of marijuana, 1,089 weapons and explosives, 1,224 vehicles, and \$25 million in U.S. currency and monetary instruments.

The successes of the BEST model demonstrate that we should be doing more to use this collaborative approach to tackle border crime. On this front, DHS will shift investigators to the taskforces and double its efforts and increase the number of agents working on BESTs from 95 to 190. This will greatly expand our ability to work with local law enforcement on cartel-related crime occurring on our side of the border.

In addition to BESTs, CBP has also overseen and developed the implementation of Border Violence Protocols. On a local level, the protocols have led CBP to institute monthly meetings with CBP, the Mexican government, and local and state officials to foster cooperation. Additionally, the DHS Office of Counternarcotics Enforcement is co-leading, along with the Department of Justice, an interagency effort to update the Southwest Border Counternarcotics Strategy. That strategy directs the coordination of counter-drug and border security initiatives to address the drug trafficking threat while enhancing overall border security. The Strategy includes efforts to improve coordination and support among federal, state, local, and tribal authorities.

In addition, DHS will make up to \$59 million available in Operation Stonegarden funding to enhance state, local and tribal law enforcement operations along the border. Changes include expanding the scope of current Operation Stonegarden funds to pay for additional law enforcement personnel, operational overtime expenses, and travel or lodging for deployment to the southwest border.

Working with Mexican Authorities

Assisting Mexico in its battle against drug violence requires strong coordination with Mexican law enforcement to ensure that Mexico and the U.S. are operating together to combat this transnational threat. DHS is engaging with Mexican authorities on a number of levels that are making our efforts more successful.

The cornerstone of U.S.-Mexico security cooperation is the Mérida Initiative, led by the Department of State. DHS is an enthusiastic partner in the Mérida Initiative. From the DHS perspective, Mérida is a platform to work more cooperatively with regional partners on addressing security threats and to make America safer by developing regional security partnerships. DHS has a strong relationship with the State Department, and we look forward to building that relationship further and discussing with them, the Department of Justice, and other stakeholders ways that the Mérida Initiative could be strengthened.

DHS components such as CBP, ICE, and the U.S. Coast Guard also have relationships with their Mexican counterparts and work with them to interdict drugs and, in coordination with the Drug Enforcement Administration, disrupt trafficking organizations. Mérida's support for bilateral information sharing, law enforcement training, and interdiction efforts will strengthen these relationships.

In addition, ICE's Border Liaison Officer (BLO) program allows ICE to more effectively identify and combat cross-border criminal organizations by providing a streamlined information- and intelligence-sharing mechanism. The BLO program creates an open and cooperative working relationship between the U.S. and Mexican law enforcement entities.

The ICE Attaché office in Mexico City also has coordinated the establishment of vetted Special Investigative Units of Mexican officers that work with ICE special agents in Mexico to investigate and prosecute border crimes such as smuggling. Mexican agents are involved in DHS's Border Enforcement Security Taskforces on the southwest border, to great effect. Since August 2005, CBP has worked closely with Mexican officials on Operation Against Smugglers Initiative on Safety and Security (OASISS), a bilateral alien smuggler prosecution program which enables both governments to share information and prosecute smugglers for crimes committed in the border region. We expect OASISS will be further strengthened by the Mérida Initiative. DHS and the government of Mexico also have a government-to-government agreement on science and technology for homeland security.

DHS is also strengthening its coordination with Mexico by reassigning on-board agents to immediately increase ICE Attaché personnel in Mexico by 50 percent. At present, there are 24 special agents in Mexico, and DHS is currently deploying 12 more to Mexico City, Tijuana, Hermosillo, Ciudad Juarez, and Monterrey. Through its attaché in Mexico City and associated sub-offices, ICE assists in efforts against transnational drug trafficking, weapons smuggling, human smuggling, and money laundering syndicates in Mexico.

We have also quadrupled the number of ICE officers in the Border Liaison Office by redeploying agents to support this important program. Currently, there are 10 border liaison officers in California, 9 in Arizona and 31 in Texas - this boost to the ICE Attaché office and the Border Liaison Office will bolster our ability to fight border crime effectively and coordinate with Mexican enforcement efforts.

Stopping Illegal Weapons and Bulk Cash Smuggling into Mexico

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

Notably, ICE has launched Operation Armas Cruzadas, a partnership with the government of Mexico to fight cross-border arms smuggling. Under Armas Cruzadas, ICE has taken an intelligence-driven, systematic approach to arms trafficking investigations. ICE also created a U.S.-vetted Arms Trafficking Group of Mexican officers. Since inception, Operation Armas Cruzadas has resulted in 112 criminal arrests and the seizure of 116,478 rounds of ammunition, 1,417 weapons seizures, and \$3,341,388 in monetary instrument seizures.

Currently, ICE and CBP also partner in the eTrace initiative, led by ATF, an innovative partnership that aids Mexican officials in the forensic tracking of weapons used in drug cartel violence. CBP is also partnering with the DEA and High Intensity Drug Trafficking Area centers to increase the deployment of License Plate Readers, which will lead to better intelligence on trafficking organizations. CBP and ICE, along with ATF and the DEA, have jointly developed the Southwest Border Trafficking Initiative to identify and disrupt weapons and ammunition

smuggling. Discussions are ongoing within that initiative to build into more detailed procedures regarding the coordination of multi-agency operations and information sharing.

We clearly need to do more, however. These successful seizures account for only a fraction of the weapons being smuggled into Mexico. That is why DHS is tripling the number of intelligence analysts from DHS Office of Intelligence and Analysis on the southwest border. These analysts will provide the strategic, intelligence-driven guidance that will be a driving force behind the efforts of ICE and CBP to secure our borders and stop the flow of illegal weapons into Mexico.

Further, CBP is now screening 100 percent of southbound rail on the southwest border. There are eight rail crossings along the southwest border. Previously, CBP focused primarily on inbound cargo. We are now using existing non-intrusive inspection equipment to screen all outgoing cars for anomalies that could be weapons. Beyond rail inspections, we have also redeployed new mobile X-ray technology to select ports of entry, 100 Border Patrol agents to augment outbound inspections, and additional Mobile Response Teams, which are prepared to deploy to the southwest border to augment port of entry operations.

Coupled with screening for weapons smuggling, DHS is also combating the illegal movement of cash across the southwest border. Operation Firewall, led by ICE, addresses the threat of bulk cash smuggling. ICE and CBP have conducted various Operation Firewall operations with Mexican counterparts. ICE has also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries work to facilitate the exchange of import and export data and financial information. ICE's efforts led to more than \$50 million in cash seizures in fiscal year 2008.

Furthermore, CBP currently has 12 dual-detection canine teams, trained to detect both weapons and currency, which are being deployed as a part of a strategy to catch outbound smuggling.

II. INTERIOR ENFORCEMENT

Smart, Tough Immigration Enforcement Protocols

The Department of Homeland Security has the vital mission of enforcing our nation's immigration laws. We must engage in effective worksite enforcement to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce.

In advance of any comprehensive immigration reform that may come, DHS is focused on smart, tough, and effective enforcement of the laws we currently have. Active enforcement of our immigration laws must address not just the illegal workers themselves, but also the employers who hire illegal labor and fuel the phenomenon of illegal immigration into the United States. Last year, the Department made more than 6,000 arrests related to workplace enforcement; only 135 of these arrests were of employers.

Last week, the Department issued new protocols that will refocus the efforts of Immigration and Customs Enforcement (ICE) agents on the ground to pursue a more effective strategy on immigration and worksite enforcement. These new protocols reflect a renewed Department-wide

focus on two different emphases for our immigration enforcement efforts: first, targeting criminal aliens, and second targeting employers who cultivate illegal workplaces by breaking the country's laws and knowingly hiring illegal workers.

ICE will focus its resources within the worksite enforcement program on the criminal prosecution of employers who knowingly hire illegal workers in order to target the root cause of illegal immigration. ICE will continue to arrest and process for removal any illegal workers who are found in the course of these worksite enforcement actions in a manner consistent with immigration law and DHS priorities. Furthermore, ICE will use all available civil and administrative tools, including civil fines and debarment, to penalize and deter illegal employment.

In identifying individuals for removal, DHS will prioritize those who pose the most obvious threats to public safety - those aliens with criminal records and those currently involved in criminal activity beyond the crime of illegal immigration itself. A scattershot approach where DHS targets any and all of the around 12 million people in the United States illegally does not amount to an approach that maximizes public safety. A new approach is needed, which is what the new priorities provide.

ICE officers will be held to high investigative standards in their worksite enforcement efforts. ICE will look for evidence of additional crimes that alleged illegal employers may have committed in violation of our nation's laws, including evidence of trafficking, smuggling, harboring, visa fraud, identification document fraud, money laundering, and the mistreatment of workers. With limited exceptions involving exigent circumstances or security-sensitive worksites, ICE offices will work with federal interagency partners to obtain indictments, criminal arrest or search warrants, or a commitment from a U.S. Attorney's Office (USAO) to prosecute the targeted employer before initiating a worksite enforcement operation. Furthermore, existing humanitarian guidelines will remain in effect, now covering worksite enforcements involving 25 or more illegal workers. This reflects a change from the previous threshold of 150.

DHS has many resources, but we still must prioritize in order to ensure our enforcement efforts have the greatest possible impact. These new protocols will be critical to achieving that.

Strengthening Work Eligibility Verification through E-Verify

At the same time that we target employers who violate the law, DHS is also working to aid law-abiding employers in their good-faith efforts to hire legal workers.

As I said, I am a strong believer that robust employer enforcement must be a critical part of our nation's immigration system. ICE will continue to seek out employers who want to comply with our nation's immigration laws and provide them with the training and tools they need to minimize the risk of unwittingly hiring illegal workers.

Additionally, DHS is continuing to strengthen the E-Verify system that U.S. Citizenship and Immigration Services (USCIS) operates in partnership with the Social Security Administration (SSA) to provide quick confirmation of an employee's work eligibility.

E-Verify is an essential tool for employers to maintain a legal workforce. E-Verify has grown rapidly over the past several years - not only making it a cornerstone of workplace enforcement across the country, but also testifying to its improvement. More than 122,000 U.S. employers representing over 468,000 hiring locations are enrolled in E-Verify. The growth is continuing at a solid clip, due in large part to state laws requiring the use of E-Verify. Currently, an average of 1,000 employers are signing up for E-Verify each week. Data from the Bureau of Labor Statistics for the last quarter of FY08 indicate that over 14 percent of all non-agriculture new hires in the U.S. are run through E-Verify.

The E-Verify system is prepared for an increase in its use, and DHS is continually improving the system. DHS continues to focus its efforts on improving and expanding that system as it grows, cracking down on fraud, misuse, and the potential for discrimination.

E-Verify is continuously improving its accuracy. According to the most recent surveys, approximately 96.1 percent of all cases queried through E-Verify are automatically found to be employment authorized. This is compared to a 79 percent immediate confirmation rate in 2002. The remaining 3.9 percent resulted in a mismatch, or tentative non-confirmation (TNC), cases where the tentative lack of a match needs further investigation. Only 0.4 percent of the total application pool successfully contested their cases. The remaining 3.5 percent of the total pool were not found employment authorized and either did not contest their cases or unsuccessfully contested them.

Nevertheless, room for improvement always remains. DHS and SSA are continuously enhancing E-Verify processes to decrease mismatches, improve the system's usability and the accuracy of its databases, strengthen training and monitoring of employers and protect employees against discrimination and other abuses.

E-Verify enhancements include system changes to reduce typographical errors; a photo screening tool, added in concert with the State Department, to combat document fraud; establishing a Monitoring and Compliance Branch to oversee that employers are using E-Verify correctly to protect employee rights; adding new database checks to further reduce initial mismatches; and establishing a new process for employees to call a USCIS toll-free number (1-888-464-4218) to resolve mismatches for naturalized citizenship cases as an alternative to visiting SSA.

DHS is dedicated to increasing E-Verify's effectiveness by reducing system misuse through employer training, educational outreach, and a strong monitoring and compliance assistance program. Outreach plans include releasing bilingual English and Spanish videos for employers and employees to teach them about E-Verify and their rights, roles and responsibilities. USCIS already has online materials in nine languages that inform employees of their rights.

We are continually working to ensure that E-Verify is non-burdensome to employers. The system rates higher than average on the American Customer Satisfaction Index Survey, scoring an 83 out of a possible 100 points on a recent survey, above the latest Federal Government satisfaction index of 69 percent.

Of course, USCIS also continues its vital mission to provide immigration services and benefits in a timely and expeditious manner to legal immigrants. USCIS is the largest immigration service

in the world, serving millions of foreign nationals from every country seeking to live or work temporarily in the United States and in certain instances to make the U.S. their permanent home. USCIS performs this function at home and abroad in an expeditious manner, with the same level of security and scrutiny as our other agencies to protect our borders and secure public safety.

Criminal and Fugitive Aliens

Identifying, arresting, and removing criminal and fugitive aliens also remains a top priority for DHS. Shortly after arriving at the Department, I issued an action directive requesting an assessment of existing DHS initiatives to see how we might accelerate and make more effective our efforts in this area.

ICE is the primary federal agency responsible locating and removing criminal and fugitive aliens within the United States. Under its Secure Communities program, ICE works to identify criminal aliens in federal, state, and local custody and those at-large, prioritize the removal of dangerous criminal aliens, and improve our current enforcement processes.

As I noted earlier, a key part of this effort involves identifying criminal aliens by checking their biometrics against US-VISIT and FBI databases. Through the Secure Communities program, state and local law enforcement have the ability to search a subject's criminal history and immigration information automatically at the time of booking. This saves time, improves accuracy, and gives our state and local partners a powerful tool to identify criminal aliens in their custody so that appropriate action can be taken for those with a criminal conviction. Currently, biometric identification technology supporting information-sharing has already been deployed to 23 counties along the southwest border.

An important component of Secure Communities is the prevention of the re-entry of criminal aliens. ICE is supporting Operation Repeat Offender, a program with the Department of Justice, including the United States Attorneys, to ensure federal prosecution of aliens who return illegally after removal. If convicted of these immigration charges, these criminal aliens serve their sentence in federal custody.

ICE also continues its efforts to identify and remove criminal alien gang members as part of Operation Community Shield. Since the program's inception, ICE agents working in conjunction with federal, state, and local law enforcement agencies nationwide have arrested a total of 11,106 street gang members and associates.

ICE's National Fugitive Operations Program (NFOP) is also working to reduce the nation's fugitive alien population, with a specific emphasis on aliens who pose a threat to national security and community safety. ICE has significantly increased its fugitive operations teams from eight teams in 2003 to the 104 teams operating today. Additionally, ICE has developed the Fugitive Operations Support Center (FOSC), which provides information support to teams nationwide.

In Fiscal Year 2008, fugitive operations teams were responsible for more than 34,000 arrests. This fiscal year, these teams have arrested over 15,700 fugitives. Of those, nearly 6,000 were criminal fugitives. Compared to the same period last year, this marks an increase of 180 percent.

Overall, our nation's fugitive alien population fell by 37,000 individuals last fiscal year.

State and Local Law Enforcement Under 287(g)

DHS also has continued to expand its partnerships with state and local law enforcement under the 287(g) program, which gives specially trained officers authorization to perform immigration enforcement duties under the supervision of ICE agents and officers. ICE has 58 active Memoranda of Agreement (MOAs) with law enforcement agencies in 23 states. As of April 2009, ICE's 287(g) partners have encountered over 104,000 aliens who were screened for removability.

This program continues to be an effective force multiplier for our efforts. For this reason, it is vitally important that the program has strong oversight and remains free of abuse. In the past few years, the 287(g) program has been the subject of much media attention and heightened scrutiny. To address many of the concerns, ICE is redrafting the MOA template to increase oversight and supervision as well as align the goals of state and local law enforcement participating in the program with ICE priorities and guidelines. In addition to the MOA, ICE has issued credentials to state and local 287(g) partners and is drafting a policy mandating refresher training for all active 287(g) officers. In these efforts, DHS is carefully reviewing the recommendations provided in the January 2009 report by the Government Accountability Office. Finally, we are committed to working with stakeholders to address concerns about racial and ethnic profiling and other abuses in this and other enforcement programs.

Detention Facilities

On an average day, roughly 33,400 detainees are housed under ICE authority at as many as 350 detention facilities nationwide. Very few of these facilities are under ICE's direct control, and delivery of health care is shared by the Division of Immigration Health Services (DIHS) and several hundred state and local partners with which ICE has formed intergovernmental agreements. We recognize that more needs to be done to improve oversight of these facilities and ensure that detainees receive appropriate treatment and care.

To oversee this charge, I created a new position - Special Advisor on Detention and Removal Operations at ICE - to focus exclusively on immigration detention. This position reports directly to the assistant secretary of ICE and is filled by Dora Schriro. Ms. Schriro is now serving in this capacity and brings a wealth of experience to the job, having most recently served as the Director of the Arizona Department of Corrections during my tenure as Governor. Under Dora's leadership, we will work to ensure that detainees in ICE custody are treated humanely and receive appropriate care.

ICE has already made improvements in detention management, awarding two recent contracts with companies recognized for their expertise in detention management. These detention professionals are now performing annual detention facilities inspections formerly performed by ICE employees. They are also serving as on-site, full time quality assurance inspectors at our 37 largest facilities and plans are underway to extend this capability to others on a regional basis.

ICE also announced the implementation of revised performance-based detention standards in September 2008. These standards are in the process of being implemented, with final implementation in 2010. The standards apply to ICE owned and operated Service Processing Centers (SPC), Contract Detention Facilities (CDF), and state or local government facilities used through Inter-governmental Service Agreements (IGSAs) to hold detainees for more than 72 hours. These new standards are modeled on the American Correctional Association (ACA) Adult Local Detention Facility standards, which are the industry benchmark. They are different from previous standards; they focus on the outcome to be achieved, instead of process compliance.

ICE plans to utilize Secure Communities program funding to increase its detention capacity targeted to criminal aliens during FY 2009. It is also in the process of renegotiating inter-agency service agreements with the 100 largest state and local facilities with which it contracts. In addition, the FY 2009 appropriation provides \$2 million to ICE to undertake immediately a review of the medical care provided to people detained by DHS and to improve the scope, the services and the system of health care. Based on the outcome of this review, we will make further improvements. We are committed to improving detainee health care, and these actions will put us on a path to achieve that goal.

We are also reviewing effective alternative to detention programs. Properly structured, these programs offer clear benefits to the integrity of the immigration system, to taxpayers. But to be effective, the programs will have to demonstrate a sufficiently high rate of compliance with removal orders.

III. FACILITATING TRAVEL THROUGH SECURE IDENTIFICATION

Western Hemisphere Travel Initiative

Beyond efforts to protect the border and strengthen interior enforcement, we are taking aggressive action to strengthen and standardize travel document security at the ports of entry to prevent terrorists, criminals, and illegal immigrants from breaching our border. A cornerstone of this effort is the Western Hemisphere Travel Initiative (WHTI), which will both enhance our security and to facilitate legitimate travel and trade. As you know, WHTI is already in effect at our international airports, where travelers arriving to the United States must present a WHTI-compliant document denoting citizenship and identity to enter our country. To date, compliance with this requirement, which went into effect in January, 2007, remains extremely high.

DHS takes seriously the coming implementation of WHTI to our land and sea ports of entry on June 1, 2009. In preparation for this implementation, we have worked with our federal, state, and private sector partners to make a full range of WHTI compliant documents available to U.S. citizens, including passports, Passport cards issued by the State Department, Enhanced Drivers' Licenses (EDLs) issued by border states, and trusted traveler cards (NEXUS, FAST, and SENTRI) issued by DHS. Canada also has worked with us to issue new WHTI-compliant credentials for its citizens, including three provincial EDLs.

In addition to these standardized, secure documents, we are installing radio frequency identification (RFID) readers at our top 39 land ports of entry. RFID infrastructure technology

has already been installed at 348 lanes at 33 ports of entry. This technology will help facilitate processing for travelers with RFID-enabled documents by allowing CBP officers to verify an individual's identity and perform real-time queries against lookout databases, even before the traveler arrives at the inspection booth.

We have already begun the next phase of an aggressive communications campaign that will extend beyond the June 1 deadline to encourage travelers to obtain appropriate documents. For more than two years, DHS has been communicating to travelers that WHTI-compliant documents will be required to enter the United States. To date, our television and radio spots have aired more than 21,000 times; print advertisements have run more than 124 times; a web site (www.getyouhome.gov) has been created as the primary source of information on WHTI documents; and over six million education tear sheets have been distributed to travelers. Within the next two weeks, CBP will conduct press events at every land border port within the next two weeks reminding the traveling public to apply for their secure documents in order to have them for June 1, 2009.

We believe most travelers will be compliant with the new WHTI requirements. Our preliminary data indicates the vast majority of travelers (more than 80 percent) already have the necessary documents. We plan to be flexible and practical in our enforcement of WHTI and apply this flexibility on a case-by-case basis for those who do not have the necessary documents. CBP also maintains its authority to permit crossing of certain groups with special or unique needs, including first responder communities along the border. We will continue to honor the protocols previously established for these types of crossings. However, we ask that first responders in border areas proactively obtain appropriate documentation for personnel who may respond across the border, in order to facilitate their crossing as expeditiously as possible.

To aid in the implementation of WHTI, CBP will establish a 24-hour WHTI Operations Center to continually monitor port of entry operations before, during, and after the June 1, 2009, implementation. CBP will conduct daily teleconferences with the field, provide immediate responses to questions and concerns, and issue daily reports on successes and challenges. In short, we are committed to implementing WHTI at our land and sea ports of entry in a smooth fashion, with minimal disruption.

US-VISIT

Coupled with more secure and standardized document requirements at the ports of entry, we have continued to enhance the capabilities of US-VISIT. As you know, US-VISIT collects, stores, and shares digital fingerscans and digital photographs of aliens seeking to enter the United States. This biometric information is paired with biographic information about an individual and used to establish and verify that individual's identity and check their biometrics against criminal, terrorist, and immigration databases. US-VISIT enhances the security of our citizens, lawful permanent residents, and visitors, helps facilitate travel and trade, ensures the integrity of our immigration system, and protects the privacy of visitors.

US-VISIT continues to be a proven tool for our federal, state, and local partners. Each week, it provides more than 250 credible leads to ICE, allowing for better enforcement of our

immigration laws. Through ICE's Secure Communities Program, US-VISIT also helps identify immigration violators arrested by State and local law enforcement, including high-risk criminal aliens. US-VISIT also provides access to biometric data to authorized Federal, State, and local government agency users to help them identify, mitigate, and eliminate security risks.

Recognizing the benefits of US-VISIT, many foreign countries also have begun pursuing similar programs. Today, the United Kingdom and Japan have programs that use biometrics. The European Union, Canada, Mexico, Australia, Argentina, Peru and many other countries also are in various stages of applying biometrics to immigration control.

To strengthen this important program, US-VISIT has been transitioning from collecting 2 digital fingerprints to collecting 10 digital fingerprints at ports of entry. This transition is nearly complete. It started in 2007 when the Department of State began collecting 10 fingerprints from visa applicants at all of our embassies and consulates to enhance the ability to establish and verify applicants' identities. 10-fingerprint scanners have now been deployed to all major ports of entry, providing the capability to capture 10 fingerprints from 97 percent of travelers.

The transition to 10-fingerprint collection increases DHS's ability to keep dangerous people out of the United States, while making legitimate travel more efficient. We are able to improve the accuracy of identification as well as have more data points, allowing us to match against prints lifted from crime scenes and those collected in Afghanistan and Iraq. Further, we are able to improve the accuracy of identification, improve interoperability with the FBI and Department of State, local, and tribal governments, and refer fewer travelers to CBP secondary inspection. We are also able to conduct full searches against the FBI Unsolved Latent File, which, for example, allows us to match against prints lifted from crime scenes and those collected in Afghanistan and Iraq.

This 10-fingerprint collection standard has made our system more compatible with the FBI's biometric system, the Integrated Automated Fingerprint Identification System (IAFIS). We have been working with the FBI to make our two databases fully interoperable and to more seamlessly match biometric information so we can better identify people who pose a threat to our country.

DHS is also working with the Department of Defense to identify ways to exchange information in a more systematic manner to further our missions consistent with legal authorities and privacy. This includes the potential automated exchange of biometric data on individuals that the Department of Defense encounters overseas. Such information would greatly enhance our ability to effectively screen who is admitted into the United States, and this information is useful to the Department of Defense for credentialing and access control vetting, among other uses.

We will continue to research emerging technologies to expand our screening and identification capabilities, including the testing of biometric exit procedures at ports of entry. We are looking for more efficient, less invasive technologies to verify visitors' departures. Particularly at the land border, we are looking for technologies that might meet our needs better without causing undue delays to travelers.

In some cases, the key to expanding biometric screening is to bring the technology to remote locations. For example, Coast Guard is using mobile biometric collection and analysis

capabilities on the high seas off the coasts of Puerto Rico and Florida. This project has helped the Coast Guard identify and refer for prosecution and/or administrative immigration proceedings hundreds of repeat illegal migrants who are ineligible to enter the United States, including some wanted for human smuggling and murder. In addition, CBP's Air and Marine Operations is examining opportunities to use mobile biometrics in its areas of operation.

Improving State-Issued Driver's License Security

As you know, the REAL ID Act mandated that the Department of Homeland Security set federal standards for state driver's licenses and identification cards that can be accepted by the federal government for official purposes, such as accessing federal facilities, boarding federally regulated commercial aircraft, and entering nuclear power plants.

The goal of REAL ID is an important one - to strengthen the security and integrity of identity documents in the United States - but the program's planned implementation has caused significant resistance from states, which are responsible for putting these mandates into effect. In particular, the resources required to fully implement REAL ID would put a major strain on state budgets already stretched thin by the current economic downturn. Ten states have enacted laws prohibiting compliance with REAL ID, and many more have anti-REAL ID legislation pending.

DHS is focused on assisting states in improving the security of driver's licenses, consistent with the recommendations of the 9/11 Commission, but there has got to be a better way than REAL ID. Since January, the Department has been working closely with the National Governors Association to develop an alternative to REAL ID that accomplishes its security goals while avoiding many of its costs.

This proposal, which will soon be introduced in the Senate, is a bi-partisan effort that will fulfill the 9/11 Commission recommendation that the "federal government should set standards for sources of identification, such as driver's licenses." It would establish national performance standards to enhance the security and integrity of all licenses and identification cards, while retaining state flexibility to meet and exceed the standards as they are incorporated into each state's unique operations. Moreover, this proposal would increase security by facilitating participation of all jurisdictions - it would not undo the pro-security measures that states have already taken under REAL ID, but it would allow states with anti-REAL ID statutes on the books to rejoin cooperation in security efforts under a more state-friendly system that would implement important privacy safeguards to protect personally identifiable information.

States have already made great strides toward enhancing the security and integrity of their licenses and IDs, and our intent is not to reverse or diminish these gains, but to build on the work that has already been done through creating a more constructive and cooperative framework in a way that can be practically implemented. I look forward to continuing to work with Congress and the states on this opportunity to improve the security of state-issued driver's licenses and identification documents, while protecting personal privacy and giving states more flexibility to achieve these necessary improvements.

CONCLUSION

Ultimately, the solution to our nation's immigration challenges is to comprehensively address all aspects of the problem, from border security and interior enforcement to reform of our visa programs and legalization for illegal workers. I am committed to working with the President and Members of Congress to develop a plan for action to address this issue. As many Members of this Committee recently stated at the April 30th immigration subcommittee hearing, the status quo is unacceptable. I look forward to working with this committee in the future on reforms to solve these problems.

Chairman Leahy and members of the Committee: Thank you again for this opportunity to testify on all the actions DHS is taking to execute its vital mission. I also ask that the Committee move forward with all speed on President Obama's nomination of John Morton to be Assistant Secretary for ICE, a position which is clearly critical, as you can see through this testimony. I am happy to take your questions.