



**Testimony of
Secretary Janet Napolitano
U.S. Department of Homeland Security**

**Before the
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Committee on the Judiciary
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Introduction

Chairman Leahy, Ranking Member Grassley, and members of the Committee: Thank you for the opportunity to testify today about the Department of Homeland Security's (DHS) efforts to secure our Nation from the many threats we face.

This committee continues to play a critical role in helping the Department in our security mission, and I am grateful for the chance to update you on the progress we are making. The Department has six mission areas:

- Preventing terrorism and enhancing security;
- Securing and managing our borders;
- Enforcing and administering our immigration laws;
- Safeguarding and securing cyberspace;
- Ensuring resilience to disasters; and
- Providing essential support to national and economic security.

In each area, we have continued to grow and mature as a department by strengthening our existing capabilities, building new ones where necessary, enhancing our partnerships across all levels of government and with the private sector, and streamlining our operations and increasing efficiency.

Now, eight years since the Department's creation, and ten years after the September 11, 2001, terrorist attacks, I believe the results are clear: a more effective and integrated Department, a strengthened homeland security enterprise, and a more secure America that is better equipped to confront the range of threats we face.

Today, I would like to focus on a few areas of interest to this Committee, including law enforcement and its work to prevent terrorism and enhance security; enforcing and administering

our immigration laws; and securing and managing our borders while facilitating legitimate trade and travel.

Preventing Terrorism and Enhancing Security

Response to a Changing Threat

As I have noted on a number of occasions before Congress, the United States has made important progress in securing our Nation from terrorism since the September 11, 2001, attacks. America is stronger than we were a decade ago. We have bounced back from the worst attacks ever on our soil, and have made progress on every front to protect ourselves. Our experience these last ten years also has made us smarter about the threats we face, and how best to deal with them. We have used this knowledge to make ourselves more resilient, not only to terrorist attacks, but also to threats and disasters of all kinds. Nevertheless, the terrorist threat facing our country has evolved significantly in the last ten years, and continues to evolve.

Indeed, this threat will continue to change in the wake of successful operations that ended in the deaths of Osama bin Laden and Anwar al-Awlaki. These operations mark the most significant achievements to date in our nation's effort to defeat al Qaeda. I commend the President and the men and women of the Intelligence Community and our Armed Forces, as well as our counterterrorism professionals, who played such an important role in these operations.

Yet we know that threats of terrorism did not begin with the September 11, 2001, attacks, nor did they end with the deaths of these two terrorist leaders. Today, in addition to the direct threats we continue to face from core al-Qaeda, we face growing threats from al-Qaeda affiliates, including al Qa'ida in the Arabian Peninsula, al Qa'ida in Iraq, and Al Shabaab. Perhaps most crucially, we face a threat environment where violent extremism is not defined or contained by

international borders. Today, we must address threats that are homegrown as well as those that originate abroad.

What we are seeing now in some cases reflects a conscious effort by terrorists to recruit people who are already in the United States. We continue to operate under the assumption, based on intelligence and arrests that individuals prepare to carry out terrorist attacks and acts of violence, some of which may be in the United States, with little or no warning.

This threat of homegrown violent extremism fundamentally changes who is positioned to spot, investigate, and respond to terrorist activity. More and more, state and local law enforcement officers are likely to be in a position to notice early signs of terrorist activity. This has profound implications for how we go about securing our country against the terrorist threat.

DHS Efforts against Terrorism

Over the past two years, DHS has been working diligently to build a new architecture to better defend against this evolving terrorist threat.

First, we are working directly with law enforcement and community-based organizations to counter violent extremism at its source, using many of the same techniques and strategies that have proven successful in combating violence in American communities. In the past, law enforcement officials at the state, local, tribal and federal levels are leveraging and enhancing their relationships with members of diverse communities that broadly and strongly reject violent extremism.

Second, we are focused on getting resources and information out of Washington, D.C. and into the hands of state and local law enforcement, to provide them with the tools they need to combat threats in their communities. Because state and local law enforcement are often well-positioned to notice the early signs of a planned attack, our homeland security efforts must be

interwoven in the police work that state, local, and tribal officers do every day. We must make sure that officers everywhere have a clear understanding of the tactics, behaviors, and other indicators that could point to terrorist activity.

Consistent with the vision of Congress and the direction the President has set for a robust information sharing environment, DHS is providing training programs for local law enforcement to help them identify indicators of terrorist activity. And we are also improving and expanding the information-sharing mechanisms by which officers are made aware of the threat picture and what it means for their jurisdictions.

Our work in this area includes the current implementation of a Countering Violent Extremism (CVE) curriculum for state and local law enforcement that is focused on community-oriented policing, which will help frontline personnel identify activities that are indicators of potential terrorist activity and violence. In conjunction with local communities and the Department of Justice (DOJ), we also have published guidance on best practices for community partnerships to prevent and mitigate homegrown threats.

In addition, we hold regular meetings and briefings with state and local law enforcement, state and local governments, and community organizations. We have issued, and continue to release, unclassified case studies that examine recent incidents involving terrorism so that state and local law enforcement, state and local governments, and community members can understand the warning signs that could indicate a developing terrorist attack.

We participate in the FBI's Joint Terrorism Task Forces (JTTF), provide support for state and local fusion centers, and work with our partners at DOJ on the Nationwide Suspicious Activity Reporting Initiative, which trains state and local law enforcement to recognize behaviors and indicators related to terrorism, crime and other threats; standardize how those

observations are documented and analyzed; and expand and enhance the sharing of those reports with the Federal Bureau of Investigation (FBI) and DHS.

We also are encouraging Americans to alert local law enforcement if they see something that is potentially dangerous through the nationwide expansion of the “If You See Something, Say Something” campaign – a clear and effective means to raise public awareness of indicators of terrorism and crime, and emphasize the importance of reporting suspicious activity to the proper law enforcement authorities. We have seen the value of public awareness time and again and the importance of having suspicious activities quickly forwarded to the FBI-led JTTFs for investigation. Indeed, it was an alert street vendor in Times Square that helped thwart a successful attack in May, 2010 by reporting a suspicious vehicle to law enforcement. In January of this year, alert city workers in Spokane, Washington, reported a suspicious backpack and prevented what almost certainly would have been a deadly bombing along a busy parade route. More recently, a store employee in Killeen, Texas reported the suspicious behavior of one of his customers to authorities, potentially averting another deadly attack at the Fort Hood Army Base.

In April, DHS replaced the color-coded alert system, created shortly after the 9/11 attacks, with the new National Terrorism Advisory System (NTAS)—a robust terrorism advisory system that provides timely information to the public and the private sector, as well as to state, local, and tribal governments about credible terrorist threats and recommended security measures.

Taken together, these steps provide a strong foundation that DHS; the public; federal, state, local, tribal, territorial and private sector partners across the country; and international partners can all use to protect communities from terrorism and other threats. This homeland security architecture will be paired with continuing efforts to better understand the risk

confronting the homeland, to engage and partner with the international community, and to protect the privacy rights, civil rights and civil liberties of all Americans.

Strong, Strategic Enforcement of Our Immigration Laws

I would also like to describe this Administration's approach in enforcing our Nation's immigration laws, and the important results that have been achieved as a result of these efforts.

Over the past two and a half years, this Administration has dedicated unprecedented resources to securing the Southwest border, and we have made the enforcement of our immigration laws smarter and more effective. Security along our borders is inseparable from immigration enforcement in the interior of our country, and both are critical to an effective immigration system. Our approach to immigration enforcement is guided by a common-sense premise based on sound prosecutorial practice: establish clear priorities and implement measures that best promote those priorities. We have focused on identifying and prioritizing for removal those who pose a threat to our communities, including criminal aliens; as well as repeat and egregious immigration law violators; recent border crossers; and immigration fugitives. We also have worked to ensure that employers have the tools they need to maintain a legal workforce, and face penalties if they knowingly and repeatedly violate the law.

Our interior enforcement efforts are achieving unprecedented results, underscoring the Department's ongoing focus on removing individuals from the country that fall into the Administration's priority areas for enforcement. Overall, in FY 2011, ICE's Office of Enforcement and Removal Operations removed 396,906 individuals – the largest number in the agency's history. Of these, 55 percent or 216,698 of the people removed were convicted criminal aliens – an 89 percent increase in the removal of criminals since FY 2008. This includes 1,119 aliens convicted of homicide; 5,848 aliens convicted of sexual offenses; 44,653

aliens convicted of dangerous drugs; and 35,927 aliens convicted of driving under the influence. ICE achieved similar results with regard to other categories prioritized for removal. Ninety percent of all ICE's removals fell into a priority category and more than two-thirds of the other removals in 2011 were either recent border crossers or repeat immigration violators.

Secure Communities

A major part of this success can be attributed to the expansion of Secure Communities, an information-sharing partnership between DHS and the FBI that uses fingerprints taken when individuals are booked into state prisons and local jails to identify removable aliens who have been arrested and booked for the commission of a non-immigration related criminal offense. Secure Communities is an important and valuable tool that helps ensure that the finite immigration enforcement resources of the federal government are used most effectively to improve public safety and remove those who violate both our immigration and criminal laws.

ICE receives an annual appropriation from Congress sufficient to remove a limited number of the more than 10 million individuals estimated to be in the United States who lack lawful status or are removable based on their criminal history. Given this reality, ICE has set as a clear and common-sense priority the identification and removal of criminal aliens and those who have been booked into jail for the commission of a non-immigration related criminal offense. Secure Communities is critical to implementation of this approach.

As they have for decades, local jails share fingerprint data with the FBI to run against FBI criminal databases. FBI, in line with Congressional mandates, then shares this information with DHS to run against its immigration databases.¹ Since 2008, ICE has expanded Secure Communities from 14 jurisdictions to more than 1,595 today, including every jurisdiction along

¹ 8 U.S.C. § 1722

the Southwest border. As a result of ICE's use of this enhanced information-sharing capability which began in October 2008, ICE has removed more than 105,000 criminal aliens — more than 37,000 of whom were convicted of felonies such as murder, rape, kidnapping and the sexual abuse of children through the end of FY 2011. ICE continues to work with its law enforcement partners across the country to responsibly and effectively implement this federal information sharing capability and plans to reach complete nationwide activation by 2013.

Secure Communities is an important and valuable tool to enforce our immigration laws and promote public safety. Nonetheless, no program is perfect, and there is always room to improve. In June, ICE Director John Morton announced a number of steps and changes that will help to improve the program and clarify its goals to law enforcement and the public.

These improvements include the creation of a quarterly statistical review of the program by ICE and the Office of Civil Rights and Civil Liberties (CRCL). To implement this review, ICE and CRCL have retained a leading statistician who is examining data for each jurisdiction where Secure Communities is activated to identify any inconsistencies in the program or indications of racial or ethnic profiling. Statistical outliers will be subject to more in-depth analysis and, if problems are identified, they will be rectified.

In addition, ICE and CRCL are developing a new series of training tools, including written materials and videos for state and local law enforcement agencies in jurisdictions where Secure Communities is activated. These training materials will provide information for state and local law enforcement about how Secure Communities works and related civil rights issues. The first set of training materials was released in June 2011 with more to follow.

ICE has created a new complaint process for Secure Communities, and will jointly run an intake center with CRCL to investigate allegations with local jurisdictions. ICE also launched a

new public website that answers questions about Secure Communities and provides a complete and accurate statistical overview of the program.

ICE works closely with local law enforcement agencies to ensure victims and witnesses of crimes it encounters are properly identified and treated appropriately. At my direction, ICE, in consultation with CRCL, has developed a new policy specifically to protect crime victims, especially victims of domestic violence, which will help to prioritize the use of ICE resources on the removal of perpetrators of crimes, rather than victims and witnesses.

ICE has taken steps to clarify some matters related to Secure Communities that have not always been clear in the past. ICE eliminated the Memorandums of Agreement (MOAs) that created confusion about the proper role of state and local governments and updated its detainer form to clarify the longstanding rule that state and local authorities are not to detain an individual for more than 48 hours except for holidays and weekends. The new detainer form also requires state and local law enforcement to provide the arrestees with a copy of the form, which includes a number to call if they believe their civil rights have been violated by ICE. The revised form includes information in six languages on how to file a complaint.

All of these steps and changes are improving the Secure Communities program as a tool that pursues important public safety goals. These measures will further clarify and further those goals.

Prosecutorial Discretion

There have never been, nor will there be in tight fiscal times, sufficient resources to remove all of those unlawfully in the United States or who are otherwise removable. At DHS, we work to ensure our immigration enforcement resources are focused on the removal of those who constitute our highest priorities, specifically individuals who pose threats to public safety

such as criminal aliens and national security threats, as well as repeat immigration law violators, recent border entrants, and immigration fugitives. There are hundreds of thousands of cases currently pending before DOJ immigration courts, many of which could take years to resolve. Tens of thousands more are pending review in federal courts. Each of these cases costs considerable taxpayer dollars, and those involving low priority individuals divert resources away from and delay the removal of higher priority individuals. The expenditure of significant resources on cases that fall outside of DHS enforcement priorities hinders our public safety mission by consuming litigation resources and diverting resources away from higher-priority individuals.

The former Immigration and Naturalization Service under DOJ, and later ICE under DHS, have always used discretion on a case-by-case basis where appropriate and responsible to do so, and where it enhances our ability to meet our priorities. In keeping with this practice, DHS and DOJ have recently established an interagency working group to implement existing guidance regarding the appropriate use of prosecutorial discretion in a manner consistent with our enforcement priorities.

This interagency working group will allow immigration judges, the Board of Immigration Appeals, and the federal courts to focus on adjudicating high priority removal cases more swiftly. In part, the process designed by the working group will identify low priority cases and on a case-by-case basis, set those cases aside. This will permit additional DHS resources to focus on the identification and removal of those individuals who pose greater threats. As a result, this process will accelerate the removal of high priority aliens from the United States. At no point will any individuals be granted any form of “amnesty.” There will be no reduction in the overall levels of enforcement and removals – only a more effective way of marshaling our

resources towards our highest-priority cases and thus, increasing the number of criminal aliens, recent border crossers, and repeat immigration violators who are removed.

Likewise, the civil enforcement prioritization will enhance ICE's partnership with U.S. Customs and Border Protection (CBP). Over the past few years, ICE has worked closely with CBP to increase efforts to prevent illicit trade and travel across our borders. This partnership includes the dedication of ICE officers, agents, and detention facilities to the apprehension and detention of recent border crossers. The record-setting results achieved along the Southwest Border are attributable, in part, to this unprecedented partnership. Notably, by freeing up ICE resources that had previously been devoted to low priority cases, this process will make available additional ICE resources that DHS will dedicate to the Southwest border.

Worksite Enforcement and E-Verify

DHS has implemented a smart and effective approach to worksite enforcement. By focusing on employers who knowingly and repeatedly hire illegal labor, we are targeting the root cause of illegal immigration, utilizing robust Form I-9 inspections, civil fines, and debarment, and enhancing compliance tools like E-Verify. Since Fiscal Year 2009, ICE has audited more than 6,000 employers suspected of hiring illegal labor, debarred 441 companies and individuals, and imposed more than \$76 million in financial sanctions—more than the total amount of audits and debarments during the entire previous administration. In Fiscal Year 2011, ICE also criminally arrested 221 employers accused of violations related to employment, an agency record. In short, our approach to worksite enforcement has been working, and has been successful at bringing employers into compliance with the law.

As a corollary, we have strengthened the efficiency and accuracy of E-Verify – our web-based employment verification system managed by U.S. Citizenship and Immigration Services

(USCIS) and designed to assist employers in complying with the law. As of Fiscal Year 2011, more than 292,000 employers have enrolled in E-Verify, representing more than 898,000 locations. More than 1,000 new employers enroll each week and the number of employers enrolled in E-Verify has more than doubled each fiscal year since 2007. In Fiscal Year 2011 alone, E-Verify processed 17.4 million employment queries.

In March of this year, USCIS launched the new E-Verify Self-Check feature, an innovative service that allows individuals in the United States to check their own employment eligibility status before formally seeking employment. This voluntary, free, fast, and secure service gives users the opportunity to submit corrections of any inaccuracies in their DHS and Social Security Administration records before applying for jobs, thereby making the process more efficient for employees and employers. The Self Check service is currently available in both English and Spanish to users who maintain an address in 21 states² and the District of Columbia. Self Check will be available nationwide by March 2012.

USCIS has continued to improve E-Verify's accuracy and efficiency, enhance customer service, and reduce fraud and misuse in a number of additional ways. To improve E-Verify's accuracy, USCIS reduced mismatches for naturalized and derivative U.S. citizens by adding naturalization data and U.S. passport data to E-Verify. Because of this enhancement, in Fiscal Year 2011, more than 80,000 queries that previously would have received an initial mismatch requiring correction at the secondary verification stage were automatically verified as employment authorized. In June 2010, E-Verify launched improved navigational tools to enhance ease-of-use, minimize errors, and bolster compliance with clear terms of use. USCIS also has increased its staff dedicated to E-Verify monitoring and compliance, adding 80 staff

² Arizona, California, Colorado, Idaho, Louisiana, Ohio, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, South Carolina, Texas, Utah, Virginia and Washington.

positions to support monitoring and compliance since the beginning of Fiscal Year 2010. Finally, to more effectively address identity theft, USCIS now allows for the verification of passport photos through the E-Verify system.

Identifying Visa Overstays

Over the past two years, DHS has accelerated efforts to synchronize, integrate, and streamline the Department's vetting capabilities in order to increase efficiency and effectiveness of DHS screening efforts. The enhanced biographic program is a primary example. Previously, as part of the review process, a potential visa overstay record would undergo three automated searches against other government systems. A record that could not be closed during those automated searches would then be manually validated through up to 12 federal systems. This process was time consuming, expensive, and led to a backlog of un-reviewed records.

In May 2011, the Department began a coordinated effort to vet all potential overstay records against Intelligence Community (IC) and DHS holdings for national security and public safety concerns. In total, the Department reviewed the backlog of 1.6 million overstay leads within the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) and referred leads based on national security and public safety priorities to ICE for further investigation.

Through a new automated system currently under construction, we will be able to enrich data sources, enhance automated matching, eliminate gaps in travel history, and aggregate information from multiple systems into a unified system. As a result, DHS will be able to quickly and accurately identify overstays, and prioritize those who constitute a threat to national security or public safety.

Over the past two years, DHS has expanded its partnership with the NCTC. Today, NCTC is an integral part of DHS efforts to screen and vet those seeking to travel to, or receive immigration benefits from the US. Those who travel to the US or seek immigration benefits are screened against a broad array of data repositories, including those maintained by NCTC. This has allowed DHS to identify those persons who pose a public safety or national security risk prior to their entering to US, or as part of our efforts to determine admissibility or deportability.

In addition, the biometrics interoperability mandated by Congress continues to show significant success. Biometrics sharing through the Terrorist Screening Center (TSC) has resulted in more than 3.5 million terrorist record searches to date. More than 50,000 10-print fingerprint devices are now in use worldwide. There are many success stories resulting from the work of the TSC. For example, in May 2011, an applicant for U.S. immigration benefits was positively matched against a Department of Defense detainee who had interfered with an investigation by stealing evidence in Afghanistan.

Human Trafficking and Human Smuggling Investigations

Combating human trafficking and protecting victims also remain a priority for DHS. In July 2010, DHS launched the Blue Campaign to coordinate and enhance the Department's anti-human trafficking efforts. Seventeen of our components are involved in the Blue Campaign, which harnesses and leverages various DHS authorities and resources. The Blue Campaign also provides a variety of informational resources and materials about human trafficking to help raise awareness of this important issue among the public, law enforcement, and our international partners.

To support this effort, we have trained officers, prioritized the identification of traffickers and their victims, and coordinated enforcement action against traffickers. DHS continues to

educate its personnel, as well as state and local law enforcement agencies and citizens, to identify and report indicators of human trafficking. Through our education and outreach efforts, we are able to help citizens and state and local law enforcement agencies to identify victims of human trafficking in the United States. For example, in 2010, investigations led to the arrest of 29 individuals in Nashville, TN, for the sex trafficking of juveniles, and the conviction and sentencing of a woman in New Jersey for trafficking women and girls for forced labor.

We also have played a critical role in providing victim assistance to foreign victims of trafficking in the United States. Through Continued Presence and T and U nonimmigrant status, DHS permits eligible victims of trafficking to remain in the United States for an extended period of time, allowing them to assist with criminal investigations and prosecutions. Eventually, eligible individuals can then apply for permanent resident status.

In addition, ICE works closely with our interagency and international partners to disrupt and dismantle international human smuggling and trafficking networks and organizations. ICE's "Operation Predator" targets and investigates human smugglers and traffickers of minors, as well as child pornographers, child sex tourists and facilitators, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally. Since its launch in 2003, Operation Predator has resulted in the arrest of over 13,594 sexual predators, of which 10,975 were non-citizens. In Fiscal Year 2012, ICE will expand its Child Exploitation Section by establishing the Child Exploitation Center and deploying Child Sex Tourism Traveler Jump Teams to conduct investigations of U.S. citizens traveling in foreign countries for the purpose of exploiting minors.

The Department of Homeland Security is also re-energizing the Human Smuggling and Trafficking Center (HSTC), an interagency information and intelligence fusion center and

clearinghouse that helps in coordinating the U.S. Government's efforts against human smuggling, human trafficking, and criminal smuggler facilitation of terrorist travel. Besides facilitating the broad dissemination of information and producing strategic assessments, the HSTC is also supporting efforts against smuggling and trafficking networks.

Refugee Screening Efforts

Over the past 25 years, the United States has sheltered over a million refugees fleeing armed conflict, ethnic cleansing, persecution, and torture. DHS, and specifically ICE, bears a unique responsibility in protecting those who came to the United States seeking to escape those who perpetrated such atrocities, while ensuring human rights violators are not allowed to enter our country. ICE is committed to ensuring the United States does not become a safe haven for human rights abusers.

Today, ICE is handling more than 1,900 human rights-related cases. These cases are at various stages of investigation and litigation, including removal proceedings. They involve suspects from approximately 95 countries, primarily in Central and South America, the Balkans, and Africa. ICE currently has more than 200 active human rights investigations, which could ultimately support criminal charges or removal proceedings. Since Fiscal Year 2004, ICE has successfully removed more than 400 known or suspected human rights violators and more than 75 suspected human rights violators have been prevented from entering the United States either by visa revocations or refusals by the Department of State or by stops at ports of entry by CBP officers.

Southwest Border Enforcement

In March 2009, the Obama Administration launched the Southwest Border Initiative to bring focus and intensity to Southwest border security, coupled with a reinvigorated, smart and

effective approach to enforcing immigration laws in the interior of our country. We are now more than two years into this strategy, and based on previous benchmarks set by Congress, it is clear that this approach is working.

Unprecedented Resources at the Southwest Border

Under the Initiative, we have increased the number of Border Patrol Agents deployed to the Southwest border to more than 18,000 which is more than twice the number stationed in the region in 2004. We have doubled personnel assigned to Border Enforcement Security Task Forces (BEST), which work to dismantle criminal organizations along the border. We have increased the number of ICE intelligence analysts along the border focused on cartel violence. In all, a quarter of ICE's personnel are now in the region, the most ever. We have tripled deployments of Border Liaison Officers to work with their Mexican counterparts, and we are now screening all southbound rail traffic and a random number of other vehicles for illegal weapons and cash that are helping fuel the cartel violence in Mexico.

In terms of border infrastructure, we have constructed a total of 650 miles of fencing out of nearly 652 miles where Border Patrol field leadership determined it was operationally required, including 299 miles of vehicle fence and 351 miles of pedestrian fence. The remaining two miles will be completed by April 2012. With our share of the \$600 million provided in the 2010 emergency border security supplemental appropriation act (Public Law 111-230), we have added more technology, manpower, and infrastructure including 1,000 new Border Patrol Agents by the end of Fiscal Year 2011; 250 new CBP officers at ports of entry; and 250 new ICE special agents investigating transnational crimes.

We are also improving our tactical communications systems, adding two new Border Patrol forward operating bases and three more CBP unmanned aircraft systems. For the first

time, we now have Predator Unmanned Aircraft System coverage along the Southwest border from the California-Arizona border to the Texas Gulf Coast. These investments are augmenting the additional non-intrusive inspection systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors, mobile license plate readers, and other technologies that CBP has deployed to the Southwest border over the past two years, along with the mobile surveillance equipment that will be purchased with Fiscal Year 2011 funding and deployed in every Border Patrol sector in Arizona.

The DHS Science and Technology Directorate (S&T) also has multiple ongoing efforts to develop, test, and implement new technology for use at the border. These efforts include Tunnel Activity Monitoring (TAM) sensors, technology evaluation for the detection of clandestine tunnels, enhanced sensor capabilities for Mobile System Surveillance units, advanced Unattended Ground Sensor (UGS) features, a border buried cable tripwire, and airborne wide area surveillance. The S&T Directorate also has supported CBP by providing comparative testing of state-of-the-art radars and UGS, the results of which will provide an independent assessment of their performance and help define future requirements for technology procurement.

Further, President Obama authorized the temporary deployment of up to 1,200 National Guard personnel as a bridge to longer-term enhancements in border protection and law enforcement personnel from DHS to target illicit networks' trafficking in people, drugs, illegal weapons, money, and the violence associated with these illegal activities. That support has allowed DHS to bridge the gap and to hire the additional agents funded in the FY 2010 Border Security Supplemental to support efforts along the Southwest border.

Since 2009, DHS also has provided \$167 million in Operation Stonegarden funding to Southwest border law enforcement agencies – a record amount – to pay for overtime costs and other border-related expenses.

Because partnerships with federal, state, local, and tribal law enforcement agencies, as well as the private sector, remain critical to our overall success, we have initiated new programs to increase collaboration, enhance intelligence and information sharing, and develop coordinated operational plans. One example of a significant interagency partnership is the Border Enforcement Security Task Force (BEST). Led by ICE, the BEST teams incorporate personnel from ICE, CBP, and the U.S. Coast Guard within DHS; the DEA, FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives, and U.S. Attorney's Offices within the Department of Justice; as well as other key federal, state, local and foreign law enforcement agencies. BEST teams leverage federal, state, local, tribal, and foreign law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along our borders and threaten safety and security. As of Fiscal Year 2011, there are over 690 members of 64 state and local law enforcement agencies participating in the 22 BESTs along the Southwest and Northern borders, at seaports, and in Mexico City.

Another example is the Alliance to Combat Transnational Threats (ACTT). ACTT utilizes a collaborative enforcement approach to leverage the capabilities and resources of DHS in partnership with more than 60 law enforcement agencies in Arizona and the Government of Mexico to deter, disrupt, and interdict individuals and criminal organizations that pose a threat to the United States. Since its inception, ACTT has resulted in the seizure of more than 2.2 million pounds of marijuana, 8,200 pounds of cocaine, and 2,700 pounds of methamphetamine; the seizure of more than \$18 million in undeclared U.S. currency and 343 weapons; over 16,000

aliens denied entry to the U.S. at Arizona ports of entry due to criminal background or other disqualifying factors; and approximately 342,000 apprehensions between ports of entry.

As we have taken these steps to enhance border security, we are also bringing greater fiscal discipline to our operations. The *SBI*net program, which began in 2005, was an attempt to provide a single one-size-fits-all technology solution for the entire Southwest border.

Unfortunately, throughout its development, the program was consistently over budget, behind schedule, and simply did not provide the return on investment needed to justify it.

Last year, I directed an independent, quantitative assessment of the *SBI*net program, which combined the input of U.S. Border Patrol agents on the front lines with the Department's leading science and technology experts. This assessment made clear that *SBI*net could not meet its original objective of providing a one-size-fits-all border security technology solution. As a result, earlier this year, I directed CBP to redirect *SBI*net resources to other, proven technologies – tailored to each border region – to better meet the operational needs of the Border Patrol. This new border security technology plan – which is already well underway – is providing faster deployment of technology, better coverage, and a more effective balance between cost and capability. It includes non-intrusive inspection equipment at the ports of entry and tested, commercially available technologies for immediate use between the ports.

Northern Border Security

The Obama Administration has made significant advancements in creating a secure and resilient Northern border. DHS has invested in additional Border Patrol agents, technology, and infrastructure. Currently, CBP has more than 2,200 Border Patrol agents on the Northern border, a 500 percent increase since 9/11. CBP also has nearly 3,700 CBP officers managing the flow of people and goods across ports of entry and crossings along the Northern border.

The Department has continued to deploy an array of technologies along the Northern border, including thermal camera systems, Mobile Surveillance Systems, and Remote Video Surveillance Systems. CBP successfully completed the first long-range CBP Predator-B unmanned aircraft patrol under expanded Federal Aviation Administration authorization that extends the range of approved airspace along the Northern border. Approximately 950 miles along the Northern border from Washington to Minnesota are currently covered by unmanned aircraft, in addition to approximately 200 miles along the northern border in New York and Lake Ontario—none of which were covered prior to the creation of DHS.

CBP officers and agents provide support to the Integrated Border Enforcement Teams (IBET) that operate as intelligence-driven enforcement teams comprised of U.S and Canadian federal, state/provincial and local law enforcement personnel. By incorporating integrated mobile response capability (air, land, marine), the IBETs provide participating law enforcement agencies with a force multiplier—maximizing border enforcement efforts.

Finally, in February 2011, President Obama and Canadian Prime Minister Harper announced a landmark "Shared Vision for Perimeter Security and Economic Competitiveness" that sets forth how the two countries will manage shared homeland and economic security in the 21st century. This "Shared Vision" focuses on addressing threats at the earliest point possible; facilitating trade, economic growth, and jobs; collaborating on integrated cross-border law enforcement; and partnering to secure and strengthen the resilience of critical infrastructure.

Results

Taken as a whole, the additional manpower, technology and resources we have added over the past two years represent the most serious and sustained action to secure our borders in our Nation's history. And it is clear from every measure we currently have that this approach is working.

With respect to the Southwest border, illegal immigration attempts, as measured by Border Patrol apprehensions, have decreased 36 percent in the past two years, and are less than one third of what they were at their peak. We have matched decreases in apprehensions with increases in seizures of cash, drugs, and weapons. In fiscal years 2009, 2010, and the first half of 2011, CBP and ICE have seized 75 percent more currency, 31 percent more drugs, and 64 percent more weapons along the Southwest border as compared to the last two and a half years of the previous administration. As we have worked to combat illegal crossings, violent crime in U.S. border communities has remained flat or fallen in the past decade. Indeed, four of the biggest cities in America with the lowest rates of violent crime – San Diego, Phoenix, Austin, and El Paso – are on or near the border. Violent crimes in Southwest border counties have dropped by more than 30 percent and are currently among the lowest per capita in the Nation. Crime rates in Arizona border towns have remained essentially flat for the past decade, even as drug-related violence has dramatically increased in Mexico.

Developing Measures for Progress at the Border

As we assess the marked improvements in border security over the past two years, it is important to focus on how we can best measure progress in the future. DHS has been working to improve each of the individual metrics that are currently used to describe capabilities and results. However, it is clear we must also focus on more comprehensive and accurate measurements of the state of border security.

CBP is in the process of developing a comprehensive index that will more holistically represent what is happening at the border and allow us to measure our progress there. This process is still in its early stages and I look forward to updating the Committee as the new measures are developed. This new index will help DHS:

- Capture the “state” or “condition” of the border;
- Evaluate trends over time;
- Adjust goals and objectives; and
- Support resource allocation decisions.

We fully understand that the “state” of the border is complex and depends on many factors, but we are optimistic based on the analytical rigor thus far, that this new index will be able to combine an appropriate set of those factors as reflective of the “big picture.”

In developing these border metrics, it is important to keep in mind our ultimate goals. Combating transnational crime, while promoting legal travel and trade, makes border communities more secure, which in turn provides a basis for economic prosperity and an improved quality of life. Illegal traffic diminishes quality of life in a number of ways, such as increased property crime. The “success stories” in border security are the communities where enforcement efforts have supported and enhanced the quality of life.

CBP has consulted with experts and stakeholders on what data to include, and how to formulate a reliable index. This process has been led by a steering committee with representatives from CBP, including the Border Patrol, OMB, and the Homeland Security Institute. To date, a list of candidate measures have been identified based on peer and stakeholder input. The data is now being analyzed and compiled into a model index, which will be reviewed by peers and external stakeholders (including those from border communities) and refined, based on that feedback.

Defining success at the border is critical to how we move forward, and how we define success must follow a few guidelines: it must be based on reliable, validated numbers and processes, tell a transparent statistical story, and draw heavily upon the values and priorities of

border communities. The approach currently underway is designed to meet all of these criteria. We expect to finalize the index during the second quarter of Fiscal Year 2012.

Improvements to Legal Immigration Programs

Another critical element of an effective immigration system is ensuring that we provide immigration benefits and services to those eligible in a timely and efficient manner. Our country is a nation of laws and of immigrants, and we must remain open and welcoming to legal immigrants while supporting their integration into our society.

Over the past two years, USCIS has taken a number of actions to improve its ability to meet these goals. By streamlining and modernizing operations, USCIS is now processing applications for naturalization and other critical immigration benefits more rapidly, exceeding its goals.

As a customer-focused agency, USCIS also has taken steps to improve one of its primary interfaces with the public: www.uscis.gov. In FY 2010, USCIS launched a new online inquiry tool to make it easier to check case status, receive updates via e-mail and text message, and find information of specific relevance to an individual's case. In addition, USCIS launched a new Citizenship Resource Center on its website that serves as a one-stop resource for students, teachers, and organizations to obtain citizenship preparation educational resources and information.

USCIS has made security enhancements to some of its key identity documents to prevent counterfeiting, obstruct tampering, and facilitate quick and accurate authentication. The Permanent Resident Card, commonly known as the "green card," now contains several major new security features, and USCIS redesigned the Certificate of Naturalization to more effectively detect document tampering, validate identity, reduce fraud, and decrease overall expenses. DHS

also has joined with the Department of Justice and the Federal Trade Commission in a nationwide initiative to combat immigration scams involving the unauthorized practice of law. This initiative seeks to protect vulnerable immigrant populations from those who seek to exploit them.

USCIS also has continued to naturalize hundreds of thousands of new Americans each year, including record numbers of members of our nation's armed forces. In Fiscal Year 2010, USCIS granted citizenship to 11,146 members of the U.S. Armed Forces at ceremonies in the United States and abroad. This figure represents the highest number of service members naturalized in any year since 1955. In Fiscal Year 2011 (as of August 2011), USCIS has granted citizenship to 9,530 members of the U.S. Armed Forces. Since Fiscal Year 2005, USCIS has naturalized U.S. military personnel during ceremonies abroad in 25 different countries. Indeed, since September 2001, USCIS has naturalized more than 74,000 service men and women, including those serving in Iraq and Afghanistan.

Taken together, these improvements to our legal immigration system, coupled with our efforts to secure the border and enforce immigration laws in the interior, are producing significant results. We intend to make even greater strides in the coming year.

But we know that more is required to fully address our nation's immigration challenges. Congress needs to take up reforms to our immigration system to address long-standing, systemic problems with our nation's immigration laws. President Obama is firm in his commitment to advancing immigration reform, and I am personally looking forward to working with Congress to achieve this goal, and to continue to set appropriate benchmarks for our success in the future.

Conclusion

Chairman Leahy, Ranking Member Grassley, and members of the Committee: Thank you for inviting me to testify today. I want to thank this Committee for its support of our mission to keep America safe. I also want to thank the men and women who are working day and night to protect and defend our country, often at great personal risk. We owe them our continued support and gratitude. I will be pleased to take your questions.