

Statement of
The Honorable Patrick Leahy

United States Senator
United States Senate
April 25, 2012

We welcome Secretary Napolitano back to the Judiciary Committee as we continue our important oversight of the Department of Homeland Security and the work that the women and men of the agencies within the Department do every day to keep Americans safe.

Much attention has been focused on an incident prior to President Obama's attendance at the recent Summit of the Americas in Cartagena, Colombia. I have spoken privately with Secret Service Director Sullivan since the incident and met with him yesterday. I know that he shares my view that the alleged conduct was unacceptable. He seems to be doing all that he can to ensure a timely and thorough investigation and accountability for behavior that failed to meet the standards he expects and that the President and the American people deserve.

Last week I arranged for a bipartisan briefing for Judiciary Committee staff with the Secret Service and officials for the Department of Homeland Security's Office of the Inspector General. I have asked Director Sullivan to be available to come back and meet with Members of this Committee as the investigation continues.

I have no doubt you are treating this situation with equal seriousness. No one wants to see the President's security compromised or America embarrassed. Senators on this Committee will be very interested to hear from you on this matter today.

You told this Committee at your first appearance as Secretary that you would focus on using limited Federal law enforcement resources in a smarter, more effective manner when enforcing our immigration laws. You and Immigration and Customs Enforcement (ICE) Director John Morton are following through. The implementation of ICE's prosecutorial discretion policy is a positive step forward in meeting the goal of smarter immigration enforcement. If this new policy has the effect of apprehending more individuals who are legitimate threats to public safety, and providing some measure of relief to those who pose no threat, then that is an improvement. You are standing by your commitment to focus first and foremost on the most dangerous among the undocumented population.

My view is that you are doing the best you can in the absence of Congress taking up meaningful and comprehensive immigration reform. As we hold this hearing today, the Supreme Court is hearing argument on the constitutionality of an Arizona immigration enforcement law. The Constitution of the United States declares that Congress and the Federal Government shall have the power to establish a uniform "Rule of Naturalization." Accordingly, national immigration policy is properly a subject we need to act upon. It should not be left to a hodgepodge of conflicting state laws. We came close to enacting comprehensive, fair-minded, bipartisan

immigration reform a few years ago before we were derailed by anti-immigrant forces. I look forward to our achieving that goal.

In 2010, Congress passed an emergency appropriations measure to provide \$600 million for border security enhancements. You have reported that we have made significant strides in securing our borders and in our overall immigration enforcement activities. I understand that illegal border crossings on the Southern border have declined, and that we have seen steady increases in the numbers of Border Patrol and Customs and Border Protection Officers that are monitoring our borders and ports of entry. I take special notice, as well, that you are working with Canadian officials on the "Beyond the Border" initiative to coordinate resources and address challenges involving the security of our shared northern border. I am encouraged by these improvements and I look forward to hearing more about the Department's progress and your continuing challenges.

In Vermont many business people look forward to our friends from Canada visiting and enjoying all that Vermont has to offer. We want to continue to improve on that relationship and the ways we can safely accommodate foreign travel, tourism and investment.

I was pleased to see that the EB-5 Regional Center Program was among your recommendations and those of the President's Council on Jobs and Competitiveness. This job-creating, immigration-through-investment visa helps harness our immigration system to strengthen our economy and help our business leaders attract talented people from around the world. I look forward to the reauthorization of this program. Senator Grassley and I have been working together to get this and other expiring visa programs reauthorized in a bipartisan manner. As we move forward, I also hope to continue working with you and with USCIS Director Mayorkas to strengthen and improve the EB-5 program so that it may continue to be a job creator for our communities, and to ensure that the agency has the tools it needs to maintain the highest level of integrity in the program.

I have raised the issue of screening procedures and technology in our airports and I continue to have questions about these policies, their impact on the privacy and health of Americans, and whether this technology is the most effective use of resources. I look forward to discussing this issue further today.

I want to work with you to ensure that Americans' privacy rights and civil liberties are safeguarded as we work to enhance our national cybersecurity, and also to enact better privacy protections to keep Americans' safe from identity thieves in cyberspace.

Finally, I want to commend the women and men who work in the agencies of your Department. Many are Vermonters who are working hard to adjudicate immigration benefits at the Vermont Service Center, and contributing to our immigration enforcement and border security efforts at the Law Enforcement Support Center and other ICE and CBP facilities in the State. I understand that the Vermont Service Center is expanding its workforce in St. Albans, Vermont, which is welcome news and is a credit to the dedicated employees and managers at the facility.

#####