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## Secretary Janet Napolitano, before the Senate Committee on Homeland Security and Governmental Affairs: "Securing the Border: Progress at the Federal Level"

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Chairman Lieberman, Senator Collins, and members of the Committee: Thank you for this opportunity to testify today about the unprecedented resources that have been dedicated to securing the Southwest border over the past two years, the progress that has been made as a result, and the metrics we can use to better assess future progress.

Over the past two years, this Administration has dedicated more resources to securing the Southwest border than ever before, in terms of manpower, technology, and infrastructure. Our partnership with Mexico is strong, and we continue to support Mexico's efforts to combat the drug cartels that are headquartered in that country. The actions being taken at the border are occurring alongside strong, serious, and strategic enforcement of immigration laws in the interior of the United States, focused on removing illegal immigrants who have violated our criminal laws as well as those who pose other threats to public safety, and on employers who repeatedly or egregiously violate the law. Using Recovery Act funds in addition to other resources, the federal government has also made critical investments in improving and expanding outdated port infrastructure at the Southwest border to enhance enforcement while facilitating the flow of legal travel and trade. As a person who grew up in New Mexico and spent most of my adult life in Arizona, and who has walked the border, flown it, ridden it on horseback, and worked with border communities from Brownsville to San Diego, I can say from personal experience that these steps constitute the most comprehensive and dedicated effort to strengthen border security that our country has ever deployed.

These efforts are leading to significant progress on the Southwest border. In the past two years, seizures of contraband have risen in all categories - in terms of illegal drugs, weapons, and bulk cash. Furthermore, illegal immigration attempts, as measured by Border Patrol apprehensions of illegal aliens, have decreased by 36 percent in the last two years and are less than one third of what they were at their peak a decade ago. In addition, Federal Bureau of Investigation (FBI) crime statistics demonstrate that crime rates in border communities have remained steady or dropped in recent years, continuing a decade-long trend.

These dramatic improvements would not have been possible without the bipartisan support of Congress - particularly the \$600 million supplemental appropriation for border security passed last summer - and I thank you for your continued support of the Department and of our border security mission.

Our efforts over the past two years, carried out with tireless and too-often overlooked dedication by thousands of men and women on the front lines, have achieved major and historic results. Nonetheless, we still face challenges, and we must continue to build upon the progress we have made. We remain deeply concerned about the drug cartel violence taking place in Mexico. We know that these drug organizations are seeking to undermine the rule of law in Mexico, and we must guard against spillover effects into the United States. The murders of Border Patrol Agent Brian Terry in Arizona and of ICE Special Agent Jaime Zapata in Mexico underscore the risks our men and women face every day as they work to protect our borders and our country, as well as the tremendous sacrifices they make on our Nation's behalf. I know Congress and the Committee share my commitment to do everything we can to ensure the safety of our law enforcement officers in the field by providing them with the resources they need to protect our borders and our communities. I look forward to continuing work with you to enhance the security and prosperity of the border region.

Our shared goal with every American border community is to have a safe and secure border region where communities and families can grow and prosper. This goal recognizes that the Southwest border is not simply a line on a map. It is part of a border region that extends into both countries. Security along the border starts by utilizing every available law enforcement asset and recognizing that our approach in El Paso may differ from the tactics used in Nogales or San Diego. A safe and secure border region requires vigorous interior enforcement

of our Nation's immigration laws. This enforcement must be robust and smart — targeting criminals, threats to public safety, and employers who knowingly hire illegal workers. Enforcement must be conducted in a manner consistent with our values and our priorities. Finally, our border policy should foster legitimate trade, travel, and immigration, accommodating the movement of commerce across our borders and supporting hundreds of thousands of jobs.

While our efforts over the past two years have led to progress on every significant metric we currently have, we continue to focus on new ways to more comprehensively measure results along the border, including how the investments we've made in border security are improving the lives and livelihoods of the people who live in the region. Ultimately the success of our efforts along the border must be measured in terms of the overall security and quality of life of the border region.

Accordingly, U.S. Customs and Border Protection (CBP) has begun the process of developing an index, supported by both CBP and third party data, to comprehensively measure security along the Southwest border and the quality of life in the region. These measures will also help guide future investments, helping to target resources to more cost-effective programs that have the biggest impact on improving border security. As part of this process, CBP will be convening a group of independent, third-party stakeholders from a diverse cross-section of critical areas of civic life - to include law enforcement officials, representatives from border-communities, former members of Congress, experts from independent think-tanks - to evaluate and refine this index as we move forward.

This index will help us measure progress along the Southwest border comprehensively and systematically, rather than by anecdote. Any violent crime that occurs along the Southwest border - or anywhere in our country - is unacceptable, and this Administration is fully committed to addressing such tragedies with the full force of the law. But individual crimes do not tell the whole story. Border cities like San Diego, Nogales, and El Paso are among the safest cities in the Nation, according to FBI crime statistics.

False and unsupported claims about the state of the Southwest border feed a misperception that American border communities are wracked by violence, an assertion which has damaging consequences to their economies. Border community leaders tell me that misperceptions about the border are driving away business and potential visitors. With the reliable and trusted measures of border security that we are developing and validating with third-party experts, we can provide an accurate picture of the state of the Southwest border, prevent misperceptions about these communities, and more precisely guide future border security investments.

The border, as a whole, is simply not the same as it was two years ago, or even one year ago - in terms of the manpower, resources, and technology; the relationships we have built with our federal, state, local and tribal partners; and our partnership with Mexico. The progress at the Southwest border has been unmistakable, as you, Mr. Chairman, and Senator McCain have both noted in recent hearings.<sup>1</sup> Today I would like to focus the remainder of my statement on describing the unprecedented resources this Administration has dedicated to the Southwest border, our strategic approach to immigration enforcement in the interior of the country, and the current state of our work to develop more refined measures of border security and quality of life in the border region.

## Unprecedented resources at the Southwest border

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.

Under the Initiative, we have increased the size of the Border Patrol to more than 20,700 agents, which is more than double the size it was in 2004. We have doubled personnel assigned to Border Enforcement Security Task Forces, 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 quintupled 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 649 miles of fencing out of nearly 652 miles where Border Patrol field commanders determined it was operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence. The remaining few miles will be completed by this fall. With \$600 million provided in the 2010 Emergency Border Security Supplemental Appropriation Act, we are adding more technology, manpower, and infrastructure including 1,000 new Border Patrol Agents by the end of FY

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 forward operating bases and two more CBP unmanned aircraft systems. For the first time, we now have Predator Unmanned Aircraft System coverage along the Southwest border from California to Texas. 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 we have deployed to the Southwest border over the past two years along with the mobile surveillance equipment that will be purchased with FY 2011 funding.

Furthermore, President Obama authorized the temporary deployment of up to 1,200 National Guard personnel to contribute additional capabilities and capacity to assist law enforcement agencies as a bridge to longer-term enhancements in the efforts to target illicit networks' smuggling of people, drugs, illegal weapons, money, and the violence associated with these illegal activities. That support has allowed us to bridge the gap and hire the additional agents to support the Southwest Border, as well as field additional technology and communications capabilities that Congress so generously provided. The Departments of Defense and Homeland Security agreed to equally fund this support; however, Congress did not approve DHS' reprogramming requests. Consequently, the Department of Defense has been funding the full cost of this National Guard support.

To support jurisdictions along the border, DHS has directed a record \$123 million in Operation Stonegarden funds in 2009 and 2010 to state and local law enforcement agencies in Southwest border states to pay for overtime costs and other border-related expenses.

Furthermore, in partnership with the Drug Enforcement Administration (DEA) and the Department of Defense, DHS has achieved initial operational capability for the new Border Intelligence Fusion Section integrated into the DEA-led El Paso Intelligence Center (EPIC). This new section will provide a comprehensive Southwest border Common Intelligence Picture, as well as real-time operational intelligence, to our law enforcement partners in the region, further streamlining and enhancing our operations. We are continuing to work with Mexico to develop an interoperable, cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues between the United States and Mexico.

In recent months we have also undertaken actions to bring greater unity to our enforcement efforts by expanding coordination with the Departments of Defense and Justice. We are also initiating joint commands within CBP to unite the activities of the Border Patrol, Air and Marine, and Field Operations under a single reporting chain, with a single commander. This unified command structure is now in place in Arizona.

Using the resources from the Southwest border supplemental, CBP is developing new Mobile Response Teams involving up to 500 agents to provide new surge capabilities to areas of the border on an as-needed basis.

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 also 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 the overall safety and security of the American public. As I said earlier, under the Southwest Border Initiative, we have doubled personnel assigned to BEST teams. As of Fiscal Year 2011, BEST is comprised of approximately 690 members representing various federal, state, local, and foreign law enforcement agencies who work jointly in a variety of capacities to investigate transnational criminal activity along our shared land borders and in major seaports. Currently there are over 64 state and local law enforcement agencies participating in the 21 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 in September 2009 through April 14 of this year, ACTT resulted in the seizure of more than 1.8 million pounds of marijuana, 4,400 pounds of cocaine, and 1,400 pounds of methamphetamine; the seizure of more than \$15 million in

undeclared U.S. currency and more than 300 weapons; nearly 15,000 aliens denied entry to the United States at Arizona ports of entry due to criminal background or other disqualifying factors; and approximately 306,000 apprehensions between ports of entry.

We have a number of programs focused on enforcement consequences in certain Border Patrol sectors. While Operation Streamline, which is run in conjunction with the Department of Justice, is most well known, there are a number of others I would like to highlight for the committee. Operations such as the Alien Transfer Exit Program (ATEP) and Operation Against Smugglers Initiative on Safety and Security (OASISS) are focused on delivering targeted consequences to offenders and to breaking the smuggling cycle by separating apprehended aliens from smuggling networks.

ATEP is an ongoing program whereby the Office of Border Patrol, in collaboration with ICE's Enforcement and Removal Operations (ERO), moves Mexican nationals apprehended in one Border Patrol Sector to another ERO Area of Responsibility before removing them to Mexico. ATEP breaks the smuggling cycle by repatriating aliens into regions further east or west of their entry location and, thus, preventing them from immediately coordinating with their smugglers for re-entry. ATEP was initiated in the San Diego, Yuma, and El Centro Sectors in February 2008, and has since expanded to the Tucson, Del Rio, Laredo, Rio Grande Valley, and El Paso Sectors. As of February, 18,257 apprehensions have been transferred as part of ATEP, and the rate of encountering subjects after illegally re-entering the United States is less than 24 percent.

OASISS is a bi-national effort that allows for alien smugglers apprehended in the United States to be prosecuted by the Government of Mexico, as a way of helping to share the burden that border crime puts on our courts. Since 2004, OASISS has expanded from a pilot program to one that is operational across the entire Southwest border. OASISS generated 598 cases in Fiscal Year 2010, and more than 1, 200 cases have been generated so far this fiscal year.

Operation Streamline, a DHS partnership with the Department of Justice, is a geographically focused operation that aims to increase the consequences for illegally crossing the border by criminally prosecuting illegal border-crossers. In the twelve months from April 1, 2010 to March 31, 2011, there were more than 30,000 prosecutions under Operation Streamline across the border, with more than half of these occurring in the Tucson Sector.

In addition, the Mexico Interior Repatriation Program (MIRP) is a joint CBP and ICE initiative, established in coordination with the Government of Mexico, that works to break the smuggling cycle. Under MIRP, aliens apprehended during the summer months in high-risk areas of the Sonoran Desert in Arizona are voluntarily repatriated to the interior of Mexico. This program targets at-risk illegal aliens during the season when outdoor temperatures are at their highest and exposure-related deaths peak, both to save lives and to disrupt the pattern of human smuggling. Illegal aliens with records of violent criminal convictions are not eligible for MIRP. In FY10, 23,384 Mexican nationals were repatriated under MIRP, and only 11 percent, or 2,614, were re-apprehended.

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

## 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 border in our Nation's history. And it is clear from every measure we currently have that this approach is working.

As I mentioned earlier, 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. 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.

### **Strong, strategic interior enforcement**

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: implement the measures that best protect public safety and produce the most significant results.

Over the past two years, our approach has focused on identifying criminal aliens and those who pose the greatest threat to our communities, and prioritizing them for removal. 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.

Like our actions at the border, our interior enforcement efforts are achieving unprecedented results. In Fiscal Years 2009 and 2010, ICE removed more illegal aliens from our country than ever before, with more than 779,000 removals nationwide. Most importantly, more than half of those removed last year - upwards of 195,000 - were convicted criminals, the most ever removed from our country in a single year. This surge in these criminal removals did not happen by accident. It is the result of a targeted enforcement strategy designed to identify and remove those who present the greatest danger to our communities.

A major part of this success can be attributed to the expansion of Secure Communities, a program that permits federal law enforcement agents to identify and remove tens of thousands of criminal aliens in state prisons and local jails by running their fingerprints against federal immigration databases. Secure Communities does not ask that local law enforcement change their operations, but instead lets ICE know when a removable alien is taken into police custody. With this information, ICE is able to take appropriate steps. Since 2008, ICE has expanded Secure Communities from 14 jurisdictions to more than 1,200 today, including every jurisdiction along the Southwest border. We expect to reach complete nationwide deployment by 2013.

We have also stepped up worksite enforcement, last year arresting and sanctioning a record number of employers who knowingly hire illegal labor. Since January 2009, ICE has audited more than 4,600 employers suspected of employing unauthorized workers, debarred more than 315 companies and individuals, and imposed approximately \$59 million in financial sanctions - more than the total amount of audits and debarments during the entire previous administration. Last fiscal year, ICE also criminally arrested 196 employers accused of violations related to employment, an agency record.

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 abiding by the law. As of today, more than 258,000 employers are enrolled in E-Verify, representing more than 881,000 locations. More than 1,300 new employers enroll each week and the number of employers enrolled in E-Verify has more than doubled each fiscal year since 2007. In FY 2010, E-Verify processed 16.4 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 SSA records before applying for jobs, thereby making the process more efficient for employees and employers. E-Verify self-check is now available to users in Arizona, Idaho, Colorado, Mississippi, Virginia, and the District of Columbia, and will be expanded to the rest of the country on a rolling basis.

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 FY 2010 more than 81,000 queries that previously would have received an incorrect mismatch 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 staffing dedicated to E-Verify monitoring and compliance, adding 80 staff positions since the beginning of FY 2010. Finally, to more

effectively address identity theft, USCIS now allows for the verification of passport photos through the E-Verify.

## Developing measures for progress on 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. Significant improvement has occurred since 2007 in all the major metrics used to describe capabilities and results. Border Patrol apprehensions decreased from nearly 724,000 in FY 2008 to approximately 463,000 in FY 2010, a 36 percent reduction, less than one third of what they were at their peak. 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. The Border Patrol had fewer than 13,300 agents at the Southwest border at the end of FY2007, and 15,442 as of September 30, 2008, while there were 17,535 at the end of FY2010. In 2007, CBP had 154.7 miles of fence, which increased to 279 by end of FY2009 and is now at 649 miles. However, above all of these measures of improvement, it is clear we must also focus on more comprehensive and accurate measurements of border security.

As I mentioned earlier, CBP is developing, and is consulting with independent, third-party experts and stakeholders, on a new comprehensive index that will more holistically represent what is happening at the border and allow us to measure progress. This process is still in its early stages and I look forward to updating the Committee as the new measures are developed.

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. On the other hand, the "success stories" in border security are the communities where enforcement efforts have supported and enhanced the quality of life.

We need more comprehensive, empirical ways to measure this kind of progress. That is why CBP is creating a new comprehensive index drawing on data gathered both from their own operations as well as from third parties.

This index would take into account traditional measures such as apprehensions and contraband seizures, state and local crime statistics on border-related criminal activity, and overall crime index reporting. But to fully evaluate the condition of the border and the effectiveness of our efforts, this index would also incorporate indicators of the impact of illegal cross-border activity on the quality of life in the border region. This may include calls from hospitals to report suspected illegal aliens, traffic accidents involving illegal aliens or narcotics smugglers, rates of vehicle theft and numbers of abandoned vehicles, impacts on property values, and other measures of economic activity and environmental impacts. CBP is currently working with outside experts and stakeholders to further guide what data to include.

These new measures are also critical to evaluating existing resources and guiding future federal investments in personnel, technology, and infrastructure. They are key to determining how best to apply limited resources to gain the most impact on border security.

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 complete and 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. I look forward to working with the Committee on this issue.

## Conclusion

Our country has made significant progress securing the Southwest border over the past two years. The goal that we share with every border community is to have a safe, secure border region that fosters legal trade, travel and immigration - and every metric that we have shows we have made substantial progress toward these goals.

It is also clear, however, that we must continue to build on this progress. We must develop border security metrics that can describe the situation on the ground across our country's Southwest border region thoroughly and accurately.

Chairman Lieberman, Senator Collins, and members of the Committee: Thank you again for this opportunity to testify. I am now happy to take your questions.

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<sup>1</sup> Member statements, as prepared for delivery, "Securing the Border: Building on the

Progress Made," March 30, 2011, Committee on Homeland Security and Governmental Affairs.

*This page was last reviewed/modified on May 4, 2011.*

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