

The Federal Manager

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With the editor's regrets: The interview with PBGC Executive Director Bradley Belt that appeared in the Winter 2006 issue was a flawed transcription and contained numerous errors. An edited transcript is posted at the Federal Managers Association Web site: www.fedmanagers.org.

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PRESIDENT'S PAGE



*FMA National President
Michael B. Styles*

A Salute to TEAM FMA

In the early 1980s, I was looking for a professional association, one that could bring together managers and supervisors aboard our installation. I came across the Federal Managers Association, and shortly thereafter, we started a chapter at the Marine Corps Air Ground Combat Center in 29 Palms, Ca. It wasn't until my first FMA National Convention, however, that I came to fully understand the true potential of an organization like ours.

It was then that I realized that, together, we could have a tremendous impact on the overall well-being of our Nation. Over time, I recognized the importance and advantage of building a team – TEAM FMA. I believed then, as I still do today, that only through a unified, collective effort could we effectively articulate our vision for America's workforce – one which would ensure the provision of the finest products and services for the American people.

The concept of TEAM FMA goes well beyond our membership. Over the years, we've developed strong and lasting relationships throughout the Federal community, including partnerships with: the Public Employees Roundtable at the Council for Excellence in Government; the Federal Employee Education & Assistance Fund; the Employee Thrift Advisory Council; the Coalition for Effective Change; the Partnership for Public Service; the National Academy of Public Administration; members of the press; our friends in the employee unions and associations; and many other important stakeholders who have supported us in our endeavor to "Advocate Excellence in Public Service." Along the way, I have met and worked with countless individuals who share the same vision for a world-class Civil Service.

At the same time, we have honed our ability to influence positive change by interacting with the Executive and Legislative branches of government. Given our provision of sound, professional insight, those bodies have looked to us to develop governmental policies that work to enhance our ability to serve the citizens of our great Nation. This is a result of our membership's passion and conviction for communicating our Association's issues and concerns to policy makers across government. Our grassroots activity remains the catalyst for change, and our team approach ensures that the needs of the individual agencies receive the attention and support necessary to create the most efficient organization across agency lines.

And on an everyday basis, America's workforce has met the challenges of the past several decades head-on. FMA has helped shape the Federal service by pursuing the tools and resources needed to keep our country in its premier leadership role.

As FMA moves forward, we must continue to adhere to the fundamental principle of a government "of the people, by the people, for the people." By being part of the Federal Managers Association, you can fulfill your obligation to this code by adding your voice to the process that our forefathers envisioned. In our representative government, we as citizens must play a role in shaping the future of our Nation. This is what TEAM FMA allows each and every one of us to do – express our views in a powerful way.

You can, and should, take great pride in what you have accomplished over the years, and the groundwork you have laid for future members. To each of you I offer my sincere thanks for your great work on behalf of America and your continuing support of the Federal Managers Association. ■

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Member-at-Large Annual Dues: \$72

Retired Member-at-Large Annual Dues: \$36

Annual Subscription Rate: \$25

Single Issue Rate: \$7.50

Advertiser/Subscription Inquiries

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The Secure Border Initiative: President Bush's Plan to Solve the Nation's Immigration Problem

The following is an excerpt from a December 1, 2005 press conference about the Secure Border Initiative with Secretary of Homeland Security Michael Chertoff, Chief of Office of Border Patrol David Aguilar, and Acting Director of the Office of Detention and Removal John Torres.

SECRETARY CHERTOFF: Well, good morning, everybody. I'm here with the Chief of the Border Patrol, David Aguilar, and with John Torres, who is the Acting Director of Detention and Removal Operations at the Immigrations and Customs Enforcement (ICE) Bureau.

As you know, I recently returned from a trip earlier this week with the President down to the Southwest border. And of course, I know you all heard the President speak about what our strategy is moving forward to get control of the border in a reasonable period of time.

One of the things we had the opportunity to do at the border was to talk to and see some of the hard work that's being done by our Border Patrol agents and our ICE agents who are working on the ground every day to secure our borders and to make this country safe.

The President reiterated his commitment at the border to securing our borders, and his commitment to developing solutions to the problems we face regarding immigration. Since taking office, the President has directed an increase in border security funding of 60 percent, and has added resources to hire an additional 1,900 Border Patrol agents. And just a month or so ago, the President signed an appropriations bill that will provide an additional thousand agents, and 2,000 additional beds, which we can use to detain people that we apprehend.

So we begin with the border itself, those that we apprehend coming into the country. There, the critical element is to apprehend and intercept, detain and then remove people so that we

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have such a high percentage rate of interception and removal that we actually begin to deter people from coming across the border. And we do that using a mix of Border Patrol agents, enhanced boots on the ground, using some low-tech infrastructure like vehicle barriers or fencing like we're putting out east of the city of San Diego along the border, and also using some high-tech tools, things like unmanned aerial vehicles (UAV), ground sensors, remote-controlled cameras, and even the possible use of satellites as the kinds of tools that will give us a picture on the ground. And as the Chief will explain to you, we change that mix of people, infrastructure and technology, depending on the particular terrain that we have to face. We have to use a common strategy, but the application of the strategy depends upon the particular landscape which is the operational environment. And again, this is part of a disciplined common-sense approach.

The second element of this is interior enforcement. We've got to change the dynamic which brings people into this country to work on an illegal basis. One key to that is to change the dynamic that gets employers to hire those illegal aliens, and that means more vigorous interior enforcement.

But a third piece of it is giving these employers and these employees some legal regulated channel for temporary work that would take some of the pressure off of our Border Patrol and our enforcement agents.

It's a simple matter of logic. If you're trying to dam a river, what you don't do is simply build a high dam, because the water keeps rising and the pressure keeps building. You try to build a channel for the water that's productive and that's regulated, so you can take some of the pressure off the dam.

Well, it's that philosophy that we're going to place in application in our Secure Border Initiative. We're going to try to work with Congress to find a way to channel some of that economic pressure so that

we can be more effective in our use of enforcement tools and our border tools.

Let me talk a little bit about one particular feature of what we're unrolling in our Secure Border Initiative strategy. As you know, when we apprehend Mexicans who come across in the Southwest border, we return them essentially immediately into Mexico, so there's no issue of detention, they just get caught and they get sent back. But when we deal with the aliens who come from other countries, the matter is a little bit more complicated, because they can't immediately be returned to their home countries. And so the question is, what do we do until we can return them?

Up until now there's been a policy down at the border called "catch-and-release." And that meant we caught people – people who were special-interest aliens or criminals were detained, but there simply weren't enough beds to detain everybody. And so when we ran out of beds, we basically put people out on bail. And not surprisingly, the majority of those people never showed up back to make their court appearances.

That's bad from a couple standpoints. First of all, it's demoralizing for people who make arrests. Secondly, it sends exactly the wrong message out to people from the home countries. What it says to them is, hey, if you're not from Mexico and you can sneak into the United States and you get caught at the border, all that's going to happen, most likely, is you're going to get released into the community. That is the opposite of deterrence.

So we are now in the process this year of changing that dynamic 180 degrees. What we're going to do is we're going to move from "catch-and-release" to "catch-and-remove," meaning that people who we catch at the border are not going to be released on bail, they are going to be held until they are removed back to their home countries.

And there are three elements to that strategy. One is more capacity, more beds to detain people. The second is faster turnover – the quicker we can get people back to their home countries, the quicker

we clear a bed for somebody else. Look at it this way: If we can cut the time to return people to their home countries in half, it is the equivalent of doubling the beds. So that's a second element of the strategy. And the third element is deterrence. As we go to 100 percent catch-and-return, the word is going to get back to these originating countries that when you get caught, it doesn't mean you're going to be released, but you're going to have to make that trip all the way back to your originating country, you're going to lose all the money you spent, and you're going to be back at square one. And that kind of deterrence will ultimately, in fact, be a positive factor in helping us maintain a catch-and-return policy.

So by using these three components – additional beds, streamlined removal, and reliance on deterrence – we are moving from catch-and-release to catch-and-return this fiscal year. And we expect to see, as we continue to measure the flow of illegal migrants that we apprehend, some real indications of how well we're succeeding in this strategy.

Let me tell you about one tool that we recently put into place that's going to help, in terms of catch-and-remove, and that is what we call "expedited removal." As you know, under the typical system of removing people from this country when they're here illegally, they go before an immigration judge. That can take 90 days or more. Expedited removal allows us, in certain circumstances, when we're at the border, to cut that by a half or even two-thirds, because we don't have to go through a judicial process. We can find illegal migrants without documents or false documents, and make an immediate determination that they're here in violation of the law and send them right back. And that's part of what lets us cut down on that time that we have to hold people in detention.

So we are moving systematically – nationality by nationality – to apply expedited removal and catch-and-return across the border.

With respect to Hondurans and Brazilians and Nicaraguan nationals

apprehended across the entire Southwest border, they're all now in expedited removal, and that's allowed us to decrease the processing time from an average of 90 days to approximately 32 days.

This week we added Guatemalans as another category to the expedited removal process. Just to give you some sense, Guatemalans totaled over 22,600 apprehensions in fiscal year '05, and for the first month-and-a-half of '06, we've already had 3,200 apprehensions. So this is a significant number of people.

People from these countries of origination are now going to be in expedited removal. They will be detained until they're returned, and they will be returned home. And of course, a big piece of this is pressing foreign governments to work with us to speed that process of returning people back home.

I'm pleased to say, for example, that we worked out an agreement with El Salvador a couple weeks ago that removes the cap that had previously been placed on the number of flights of non-criminal returning aliens we could send to El Salvador. So now we are not limited to 70 a week, but we can return as many non-criminal migrants as we possibly can get on airplanes. So that's a positive step forward.

We've already, since we started the Secure Border Initiative, removed more than 3,000 non-Mexican illegal aliens using expedited removal, including approximately 300 Honduran nationals every week, which accounts for the highest number of non-Mexican illegal aliens that were removed over the past few years.

So the bottom line is this is a comprehensive strategy; there's no one single magic bullet that's going to take care of the problem, but a disciplined approach, a systems approach, a carefully measured approach, and an approach that uses all our tools. Interception, detention, removal – all those things taken together is the recipe for getting us to control the border, which, of course, is the goal the President has set forth and the mission that we will carry out.

Now to give you some more specifics



Homeland Security Secretary Michael Chertoff (right) announces a comprehensive strategy for immigration reform at a Dec. 1, 2005 press conference in Washington D.C. alongside Chief of Border Patrol David Aguilar.

about what that strategy is and how we're proceeding, I'm going to turn first to Chief Aguilar.

CHIEF AGUILAR: Thank you, Mr. Secretary. Good morning. Basically, what I'm going to try and take you through is where we began the fiscal year for '05, where we went at the end of year '05, and where we're going to be progressing to.

Last year, over in the Tucson and Yuma area of operations is where we had the greatest number of illegal alien apprehensions and narcotics apprehensions. For the entire fiscal year, the U.S. Border Patrol apprehended over 1.1 million total illegal incursions between the ports of entry for fiscal year '05. Within that year, we also apprehended 1.2 million pounds of narcotics also coming in between the ports of entry. Within that group of 1.1 million, we had over 165,000 of the other than Mexicans that the Secretary spoke to a few minutes ago. That is the criticality of our ability to put these classes of aliens into expedited removal. We also had a total of about 139,000 criminal aliens that were

apprehended along our nation's border illegally coming back into the country.

Now, when we approached the beginning of the fiscal year, we initiated the Arizona Border Control Initiative. What we added was resources, the enhancements, part of what the Secretary just spoke to. One very critical part is going to be the resourcing of the border enforcement equipment, personnel, technology that we're going to apply. What was added in Arizona last year was a total of 200 officers that were detailed into that specific area of operation. We doubled the size of our Air Force in Arizona, took it to over 40 aircraft that were operating within that given area of operation. Prior to this, we were operating with about 18 aircraft in that area.

We also brought in an additional 300 agents into Tucson Sector. We added another 200 agents to the Yuma Sector, all in Arizona, for a total of over 500 additions to the state of Arizona.

There was a resultant impact in that in that we did see a displacement into New

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Mexico, but we preempted that displacement by also moving very quickly with the Secretary's authority to move over 105 Border Patrol agents into the Deming Corridor area of operation. Now, what did we get as a result of this resourcing that we did? We reduced the Tucson numbers of apprehensions by over 11 percent for the fiscal year.

Now, most of you will remember that when we started the Arizona Border Control Initiative, the point of the sphere, the area of focus was in the very dangerous area that we all know as the West Desert area of operation, the Sonoran Desert, where so many people were falling into distress, and smugglers were concentrating their efforts. Within that specific area of operation, the apprehensions actually dropped by over 19 percent.

Now, we constantly measure apprehensions, but we also measure other metrics that tell us and to help us gauge our successes – what we refer to as third party indicators: the number of police calls from other agencies that we get relative to illegal alien incursions; the number of crimes associated with a typical elevated level of illegal immigration coming into the country; the number of stolen vehicles associated with illegal immigration and narcotics trafficking – all of those dropped dramatically during fiscal year '05. The displacement that happened into the Deming Corridor area of operation was addressed through the 105 agents and the addition of aerial platforms into that Deming Corridor also.

As we speak today, we still have 150 temporary agents detailed into Tucson; we have 105 detailed into the Deming Corridor area of operation – over 255 agents in that very critical area.

Now, in addition to what I just covered, we have actually now implemented the use of an unmanned aerial vehicle. Since the beginning of this fiscal year, the unmanned aerial vehicle that is flying in Tucson has been involved in the apprehension, the interdiction of over 1,000 illegal aliens in

the Tucson area of operation. In addition to that, it has been involved in over 400 pounds of narcotics interdictions within that given area of operation. We are working with the FAA currently to expand our areas of operations to make more utility of the UAV. We feel that that's forthcoming and we'll shortly be able to expand our use of the UAVs in the Arizona area of operation.

As we speak today, we have over 400 Border Patrol trainees going through the academy in Artesia, New Mexico. Within that group of trainees at the academy, over 300 – 307, exactly, as of today, will be heading towards Arizona and New Mexico. Now, that's not the full deployment, but those are the ones that are going through the academy as we speak today.

For further information on the detention program, I'm now going to pass it on to Director Torres, over at the Detention and Removal Office.

DIRECTOR TORRES: Thank you, Chief, and Mr. Secretary. Good morning. I want to talk a little bit more about the detention process for Immigration and Customs Enforcement. When we initiated the Secure Border Initiative, one of the first things that Secretary Chertoff implemented was a working group to study the process of removal, and to actually determine how we can remove people more efficiently. So one of the core focuses of the working group was to reengineer the removal process to attain that efficiency.

So what we're doing now, is closely managing the bed space that we've allocated to this initiative. And we remain flexible to add more bed space as necessary. We will add those countries that we mentioned earlier – Guatemala this week – where we expect to see significant apprehensions, and immediate removals because of this process.

QUESTION: Mr. Secretary – your strategy of enforcing the law to the employers, do you expect to arrest more people? And perhaps we'll see massive deportations to Mexico and some other countries?

SECRETARY CHERTOFF: What we expect to see, first of all, is we expect to see employers obeying the law. And part of what our strategy is not just to arrest people, obviously, who are here illegally and deport them, but to make sure employers are sanctioned. We are now moving into higher quality cases, cases, for example, with criminal penalties, where people who deliberately violate the law are subject to possible jail or criminal fines. And I think that's the kind of high-impact strategy that we want to pursue.

But I do want to make a plug for a temporary worker program because the reality of the economics of the marketplace is that there's a powerful demand in this country for people to fill jobs Americans won't fill. And as long as we don't have a regulated temporary program to deal with that, we are putting the maximum amount of pressure on our enforcers. And we're really making the job that they have very difficult.

So we do need to have a powerful enforcement stick, but I do think we need to also have a discussion about a real opportunity to satisfy this economic need in a way that will be temporary and that will fit with our overall enforcement pattern.

QUESTION: Mr. Secretary, what's it going to mean for ICE – the work site enforcement, what's that going to mean for ICE employees? Is it a new focus? New initiatives, new resources?

SECRETARY CHERTOFF: Well, we have additional resources. I think we got 400 additional ICE agents, special agents and several hundred other enforcement agents that have come into the '06 budget. We're going to put them right to work. So it's going to be, obviously, additional resources. It's also going to be a strategy that focuses on high-impact cases. We're going to be looking also at some of the things we might do with respect to law and regulation to make it a little bit more effi-

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Secure Border Initiative: A Synopsis

The Secure Border Initiative (SBI) is a comprehensive multi-year plan to secure America's borders and reduce illegal migration. Homeland Security Secretary Michael Chertoff has announced an overall vision for the SBI which includes:

- More agents to patrol our borders, secure our ports of entry and enforce immigration laws;
- Expanded detention and removal capabilities to eliminate "catch and release" once and for all;
- A comprehensive and systemic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of unmanned aerial vehicles (UAVs), and next-generation detection technology;
- Increased investment in infrastructure improvements at the border - providing additional physical security to sharply reduce illegal border crossings; and
- Greatly increased interior enforcement of our immigration laws, including more robust worksite enforcement.

Staffing:

Under SBI, our goal is to have operational control of both the northern and southern borders within five years.

The President recently signed the Homeland Security Appropriations Bill into law, which included an 11% increase for U.S. Customs and Border Protection, bringing total funding to more than \$7 billion - funds that will enable us to increase our physical presence at the border by hiring an additional 1,000 Border Patrol agents. With these new hires, Border Patrol will increase by nearly

3,000 agents since 9/11.

The Homeland Security Appropriations Bill also includes roughly \$3.9 billion in total funding for U.S. Immigration and Customs Enforcement (ICE) this fiscal year, a 9% increase over last year. Included are significant funding increases for ICE criminal investigators, detention beds, fugitive operations teams, and Immigration Enforcement agents.

The increased funding will allow ICE to add roughly 250 new criminal investigators to better target the human smuggling organizations and other criminal groups that exploit our nation's borders. It will also allow ICE to add 400 new Immigration Enforcement Agents and 100 new Deportation Officers.

Detention and Removal:

The vision for re-engineering the detention and removal process is to create an efficient system that will always have available detention capacity and a streamlined process to minimize the length of detention prior to removal of the alien.

- **Detention Capacity:** The Homeland Security Appropriations Bill contained funds that will enable us to add 2,000 new beds, bringing the total number of beds up to about 20,000. This action alone will allow us to remove thousands of illegal immigrants from our country. The Department of Homeland Security (DHS) is committed to developing innovative approaches to further expand our detention capacity, including exploring new partnerships with state and local governments.

- **Expedited Removal (ER):** DHS currently has the legislative authority to place certain classes of aliens into ER if they were apprehended nationwide within 2 years of entry. By policy, DHS has chosen to exercise this authority at all Ports of Entry and between Ports of Entry only along the Southwest border for aliens apprehended within 100 miles of the border and within 14 days of entry. DHS is reviewing options to expand ER further.

Technology and Infrastructure:

DHS will field the most effective mix of current and next generation technology with appropriately trained personnel. Our goal is to ultimately have the capacity to integrate multiple state of the art systems and sensor arrays into a single comprehensive detection suite.

- **Improved Technology:** DHS will improve security in the areas between ports of entry by integrating and coordinating the use of technology including more UAVs, aerial assets, Remote Video Surveillance camera systems, and sensors. DHS will create an integrated border security system, with awards beginning in fiscal year 2006 and deployment beginning in fiscal year 2007. DHS obtained a Predator B UAV to enhance our ability to secure the southwest border, and we are taking opportunities to partner with the Department of Defense to utilize advanced but proven military technologies to help us with our border security mission.

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- **Enhanced Infrastructure:** DHS will expand infrastructure systems throughout the border where appropriate to strengthen our efforts to reduce illegal entry to the United States – exemplified by Secretary Chertoff's announcement to waive certain legal requirements necessary to ensure expeditious completion of the 14-mile Border Infrastructure System near San Diego, California.

As in San Diego, DHS will improve border infrastructure in certain areas by increasing physical layers of security, building access roads to enable Border Patrol to speed response efforts, installing stadium-style lighting to deter border crossers, and providing surveillance cameras to monitor incursion along targeted areas of the border.

Interior Enforcement:

DHS will strengthen interior enforcement efforts to target those who enter illegally by unequivocally enforcing our laws and making sure that removal is achieved.

- **Workplace Enforcement:** DHS will implement an employer self-compliance program that will link government and business in a united effort to reduce the employment of unauthorized aliens in specific industries. The partnership will assemble a "best practices" methodology that employers will use to minimize certain known vulnerabilities in the legally required employment eligibility verification process. The employers will assist DHS by using their corporate and industry leadership to influence competitors, vendors, and contractors to adopt the best practices methods to ensure all businesses dealing with participating corpora-

tions are in compliance with legal hiring requirements. DHS will seek to strengthen current worksite enforcement regulations to place an affirmative duty on employers to make inquiries on information suggesting that their employee is not authorized to work.

- **State and Local Partnerships:** DHS employs existing 287(g) authority to work with Corrections Departments of selected states, authorizing correctional officers to identify, process, and begin removal proceedings for incarcerated criminals before they are released. This facilitates their expeditious removal from the United States when their sentence ends. Currently, 287(g) programs have been established in Alabama, Florida, Arizona, and certain counties in California. DHS is also exploring using these partnerships as force multipliers in fugitive operations as well.

- **Criminal Alien Program (CAP):** CAP seeks to identify and remove all incarcerated criminal aliens from the United States. Key to this effort is identifying and screening foreign-born aliens incarcerated in federal, state and major metropolitan jails and placing them into immigration proceedings prior to their release. The goal for CAP, with appropriate resources, is to screen 90% of all foreign-born aliens in state and federal jails by FY09. Additionally, by FY10, a large percentage of aliens in major metropolitan jails will also be screened.

- **Fugitive Operations:** Currently, there are more than 450,000 absconders, and that number is growing at a rate of 40,000 per year. DHS will expand the national fugitive operations program so that in 10 years, DHS

will eliminate the fugitive absconder population assuming appropriate resources. To achieve this goal will require the establishment of 100 fugitive operations teams nationwide (up from the current 44) as well as increased efficiencies in the program.

International:

Border-related crime affects communities on both sides of our land boundaries, and a shared approach is imperative to disrupting criminal groups and saving lives. SBI will be implemented in a way that entails an appropriate dialogue with the Governments of Mexico and Canada.

DHS will also work with other foreign governments to ensure they provide timely travel documents in order to remove the backlog of their nationals in our detention facilities. We will also ensure we maintain a productive dialogue in order to safely and quickly repatriate migrants back to their nations at the same rate at which they are arriving.

- **Country Clearances:** Working with the Department of State, DHS is in the process of streamlining country clearances and internal U.S. government process changes that could cut several days from every escorted deportation.

- **Repatriation:** DHS has begun to aggressively examine this process with foreign governments to ensure better coordination with other nations in regard to our repatriation efforts. Often individuals who are removable remain in detention facilities because the foreign country has failed to provide a travel document in a timely fashion. ■

cient for employers to find out whether they have legal aliens or illegal aliens working for them.

And at the same time, when people don't make that effort to find out whether their employees are legal, we're going to see if there are ways we can sanction them more swiftly and more strictly. So we're going to be looking at the whole system.

QUESTION: Mr. Secretary, can you talk about the technology upgrades, the follow-on to the America's Shield Initiative, and the possible RFP to replace the gadgets that you were talking about?

SECRETARY CHERTOFF: We have a program office we've stood up, which is going to put together RFPs for an integrated package to deal with all of our issues at the border itself. As you know, right now we have miles of sensors, we have cameras, we've now got a UAV deployed. But there is a next generation of technology. There are more advanced sensors. We want to get those integrated into a package with the remote cameras. We want to have that integrated with what we do in terms of aerial surveillance. We want to look at the possibility of satellite technology as enhancing our ability to get greater visibility about what's going on on the border. So I don't want to jump the contracting rules here, but we do expect in short order to be soliciting for proposals to build an integrated next-generation technology system. Some of the stuff the military uses out in the field is adaptable, perhaps, as well, to what we're doing here. So we still need old-fashioned Border Patrol agents who are savvy. We still need to have beds and removal. But we also want to have high-tech.

QUESTION: Mr. Secretary, President Fox in Mexico said that he wanted to help, and he wanted to be a partner in this effort. What kind of a role do you see for the Mexican government in all this? And have they been working already with the

American government in any sense or any respect?

SECRETARY CHERTOFF: Well, I want to say the Mexican government has been working cooperatively with us in a number of respects. As I think you know, the Visa Waiver Program for Brazil was reversed this fall by Mexico. Visas are now going to be required. I certainly would attribute some of what we've seen in terms of the drop-off of Brazilian illegal migrants to that. That was a very helpful policy change. We do exchange information.

I know that the Mexican government is very concerned about some of the trafficking and smuggling organizations operating south of the border, a lot of violence. From a humanitarian standpoint, these smuggling organizations victimize migrants. So we're doing what we can to work cooperatively – joint operations against criminal groups, sharing of intelligence. And I look forward to having a constructive relationship and further discussion with the Mexican authorities about how we can pursue these issues.

QUESTION: Mr. Secretary, a lot of critics will say that the catch-and-release is more window dressing, more of the same. And they point to some of the exceptions, the fact that it will apply only within a hundred miles of the border, and only to people who have been in the country for less than 14 days. And they feel that people will be trained, that the coyotes, the human smugglers, will tell them, just say you've been in the country 15 days or 16 days.

SECRETARY CHERTOFF: Expedited removal, of course, at this point we've extended it just along the border. I'm not going to predict whether we would extend it further into the interior. I will tell you, though, that you don't avoid expedited removal simply by saying I've been here for 16 days. You've got to prove you've been here for more than 14 days. So I think the criticism that somehow this is going to be easy to evade is an overblown criticism.

QUESTION: Mr. Secretary, can you address, is there going to be any plans to put a UAV in El Paso to cover a broader area, including New Mexico? And are these 300 agents coming out of the academy, are they going to be displacing more veteran agents, which you referred to some of those being there on a temporary basis – are they going back there? Or is that actually an addition of 300?

CHIEF AGUILAR: First of all, on the temporary agents that are in Arizona and now Deming, they are there for the purpose of immediate ramp-up of the enforcement resources that are there. As these 307 transition in, we will start pulling the detailers that are there now to ensure we leave the resources behind that the sector chiefs need to do the job they're doing.

So we will put in permanent resources and start pulling back the temporary resources, but leave the level that is going to be required to get the job done.

Now, one other very important thing that I failed to mention is that for the first time, we have gotten, we the Border Patrol, CBP, has gotten money specific to apply tactical infrastructure – \$35 million – we had never gotten that – specific to Tucson, Arizona, \$35 million to finish or to continue working on the fence project in San Diego. We've been building that fence for over 10 years now, but we had never gotten that kind of money.

We have gotten additional monies for technology. So it's not just the agents. I urge you to think about, yes, its agents are absolutely key; they're critical. But it's the technology and the infrastructure that is going to be added along with those agents that will give those chiefs the capability to not only gain the control, but also maintain that control.

QUESTION: Repatriation?

SECRETARY CHERTOFF: Oh, interior repatriation, which is a very helpful tool, is one that, again, it requires the cooperation

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of the Mexican government. We've achieved a good level of cooperation. We want to continue to work with them to increase the program. One of the arguments we've made in promoting interior repatriation is there's a humanitarian element. There are people who are crossing the border into the desert who really have no idea what they're facing, because if they did, they wouldn't be bringing nine-year-old kids to make a two-day desert crossing without food and water. No sane person would do that. So they're obviously being lied to by smuggling organizations who say to them, oh it's going to be a two-hour walk, and you're going to be in Phoenix.

When those people get caught, it's a bad idea for them to try it again. And we've picked up too many people who are fatally, mortally injured in that trip to want to see people coming across there. So we're trying to encourage everybody we apprehend in this kind of interception – agree to come into an interior repatriation, we'll fly you back, we'll bus you back to your home area – because we don't want those people coming again. So, again, this is an issue we're working with the Mexican government on, and it has got a humanitarian as well as an enforcement standpoint.

QUESTION: Mr. Secretary, this question was asked to the President but he didn't respond directly, so I hope you give us a more direct response. To this administration in favor of having a wall along the whole border of Mexico? And if not, can you tell us why not? But if yes, when are they going to start – continue building the wall on the whole border?

SECRETARY CHERTOFF: We don't support a wall across the border. A wall across the border would be phenomenally expensive, and it wouldn't be particularly effective. We would still need to back it up with a lot of technology and a lot of agents. But there are parts of the border where fencing does make sense. It makes sense in

urban areas where the distance between Mexico and an urban area in the United States is very short. And we saw in El Paso when we went down with the President that fencing is very useful there. Fencing is useful along the San Diego area, again, where there's a high density of American population. In the desert, fencing doesn't make any sense at all. It's a completely different model. So you could say in some ways we're going to have a virtual fence, because we will use a mix of technology and Border Patrol and infrastructure to create what is, in effect, a barrier to entry. But it's going to be a smart fence, not a stupid fence – a 21st century fence, not a 19th century fence.

QUESTION: Sir, you said in the past that you would consider using tents to house detainees. Is that where additional beds would come from? And are any of the detainees still eligible to go before an administrative judge?

SECRETARY CHERTOFF: Well, we generally do – what we do is lease bed space. I don't know that tents actually have any economic advantage, because the real expense in housing people is the supporting infrastructure.

Expedited removal does not occur as a judicial proceeding. It's similar, as the Chief said, to what happens at a port of entry. When someone shows up, if they don't have documentation, or documentation is false, they get sent back.

Now, as always, the law is a little more complicated than a short answer, and there may be some legal circumstances where someone does get in front of a judge. But the idea of the process here really is to make it as efficient as possible because really it's all about clearing the beds and getting people back – to have the deterrent effect.

QUESTION: Is it logical to think that the 11 million-plus illegal immigrants living in this country will sign up to a program, a temporary worker program that basically asks them to go back to their country after a certain period of time?

SECRETARY CHERTOFF: I'll tell you what the logic is. First of all, you begin with the employers. The employers are driving the demand. The employers, by giving jobs to illegal migrants, are causing illegal migrants to come and stay. If illegal migrants don't have jobs, the vast majority of them, I think, are going to go back, back home again.

So part of the theory of the system is this: You give the employers a convenient, efficient and secure way to validate and verify that they have migrants who are temporary workers, but the understanding is that they then have to play by the rules, and when time is up, time is up, and those workers have to be let go. And if this temporary worker program is deployed the way it should be deployed, what happens then is the marketplace, the demand for illegal workers dries up, because the demand is satisfied with legal temporary workers. Once that demand dries up, I'm not going to say everybody goes back, but the vast majority go back.

The other element is, part of the way we design the program can involve an element of circularity, where as people, for example, have benefits that they earn working here in this country on a temporary basis, their ability to access those benefits at the end of the work period may require them to go back. So that will be an economic incentive to go back.

Like any other issue involving large numbers of people, these are economic issues; these are driven by using the proper mix of incentives and deterrents. And I think we can build a system to do this. What I can tell you, though, is we also have no other choice. If we don't have a temporary worker program, I think it's going to be extraordinarily difficult to ask our Border Patrol agents and our ICE agents to stem the tide that is driven by a huge economic engine of employers looking for people to do work that won't be done by Americans.

So again, when you're trying to dam a river, I think you try to dam it smart, and that means channeling some of that water to a productive purpose. In this case we

want to channel that economic impulse productively, regulate it, have it be temporary. And I think we can build a set of incentives that will let us do that.

QUESTION: You've mentioned expedited removal. You have Guatemala coming on board on the program. Are there any other countries, such as Colombia and Argentina, that you're trying to negotiate this with?

SECRETARY CHERTOFF: We're going to move this process forward systematically, based upon what we see in terms of the flow. We're not going to telegraph in advance as we add new countries, because we're not interested in encouraging people to make a last rush in. So we're going to use some of the element of surprise as an enforcement tool.

QUESTION: Mr. Secretary, can I ask – I want to just press you a little bit on this worksite enforcement, because so far the focus has been looking at critical infrastructure – you'll go to a military base, for instance, and you'll crack down there. But when it comes to other areas, other sectors, it seems like worksite enforcement just isn't – it's nonexistent. So what, specifically, are you talking about when you talk about and refer to worksite enforcement? What are you going to do differently?

SECRETARY CHERTOFF: Well, first of all, of course, we have, obviously, picked areas of critical infrastructure and national security interest – airports, things like that – as our first area of priority. And that's true with any law enforcement issue. Any time I've been involved with law enforcement, where you just can't do everything at once, you always start with the most significant things, and that's what we've been doing. But it would be wrong to say we're not doing things in other areas.

There was a huge corporate fine paid recently by a large well-known company, which I won't mention, that related to worksite enforcement. We are currently doing some other very significant worksite



Chief of Border Patrol David Aguilar (left) and Customs and Border Protection Commissioner Robert Bonner discuss issues related to Arizona Border Control Initiative Phase II at the Dec. 1, 2005 press conference in Washington D.C.

enforcement operations, and starting to look to criminal penalties. We're adding more resources.

But I also want to say, part of what we're going to try to do is find ways to be more efficient in sanctioning. If the only sanctions we use require a full-blown court proceeding, that's very time consuming and labor intensive. So we're going to study, are there ways to apply sanctions more rapidly, to give people better tools for checking, but then to be more tough when they don't check. And as we get into the weeks to come, I think we're going to have some specific proposals to unveil with respect to each of these elements.

QUESTION: Do you think the pilot program should be mandatory? I know there's a voluntary pilot program.

SECRETARY CHERTOFF: One issue we have to look at is to what extent we

should make this kind of checking mandatory. Now part of that will be – our end of the bargain has to be, we have to have a database that's capable of dealing with that volume of requests. The actual execution requires making sure we build the necessary infrastructure technology and we have the right database. But the answer – the short answer is, we will look at all of those kinds of things to see if there are ways to create real incentives to get workplace companies to make sure their workplaces are in compliance.

Another thing we are doing is we're working with a number of major companies to have best practices, things that they can do that would essentially establish the reasonableness of their due diligence. And the more we do that, the more we elevate the standard. And then, of course, we want to back it up with making a few examples when people violate the law. ■