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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 15, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

I am writing to request additional information about the efforts by the Department of Homeland Security (DHS) to prevent the corruption of Customs and Border Protection (CBP) agents. I appreciate your response to the April 21, 2010 letter on the subject that I signed along with my colleagues Senators Feingold, Wyden, and Burris, and hope you will provide answers to additional questions on the matter in due haste.

As you know from our previous letter, the Subcommittee on State, Local, and Private Sector Preparedness and Integration (SLPSPI) held a hearing this past March which revealed significant concerns over corruption of border officials. The hearing highlighted that CBP only has resources sufficient to provide polygraphs to 15 percent of its workforce, and that a significant backlog in periodic reinvestigations (PRI) is leaving unexamined employees who should have received a five-year review. The shortfall in polygraphs, coupled with the growing backlog, causes significant concerns about the ability of DHS to screen out bad applicants.

As you are also aware, on August 13, 2010, the President signed into law H.R. 6080, a bill to provide emergency supplemental appropriations for border security. The bill funds the hiring of 1,000 new Border Patrol agents to be deployed at critical areas along the border, 250 more Immigration and Customs Enforcement agents, and 250 more CBP officers in addition to providing new communications equipment and greater use of unmanned surveillance drones. This law is a positive step forward in the effort to tighten our defenses at the border against drug cartels and would-be terrorists alike. I am happy to inform you that S. 3243, the Anti-Border Corruption Act, which requires pre-employment polygraph tests of all applicants for law enforcement positions, and also requires CBP to clear a backlog of over 10,000 periodic reinvestigations (PRI) of current officers, passed the Senate Homeland Security and Governmental Affairs Committee on July 28, 2010. I believe that strengthening the border by increasing the number of personnel and resources would be incomplete without first ensuring the integrity of the new agents, and existing employees.

In that vein, I remain concerned about the failure to conduct polygraphs on new hires, as well as the growing PRI backlog. I am seeking information that will provide greater clarity on the link between the background check measures and the current investigations. I request that you provide answers to the following questions to help illuminate that link so that we can have a

clearer understanding of the threat posed to our border by the inadvertent hiring of corrupt officials by September 21, 2010:

- How many of the current CBP officials investigated since 2006, and currently under investigation, passed polygraphs?
- How many CBP officials investigated since 2006, and currently under investigation, have received a periodic reinvestigation?
- In his testimony before the Subcommittee on State, Local, and Private Sector Preparedness, Thomas Frost, Assistant Inspector General for Investigations stated that in FY 2009, the DHS Inspector General's Office opened up 576 investigations of CBP officials. Can you tell us the status of those investigations? How many of those cases have been resolved? How many of those cases have been referred to the Justice Department? In how many of those cases has some type of disciplinary action, including removal, demotion, or some other corrective action taken place?
- Since 2006, what percentage of probationary CBP hires were terminated or failed to be extended past the probationary period? How many or what percentage of these were due to the threat of infiltration/corruption? What were the reasons, ranked by frequency, that these agents/officers were terminated/not extended?
- What actions are being taken at the Secretary's level to ensure that anti-corruption efforts at both Customs and Border Patrol Internal Affairs (CBPIA) and the DHS Inspector General's Office are coordinated where necessary and free of duplication or unnecessary overlap?

Thank you for your attention and speedy response to these questions. The Federal Government is making strides toward securing the border, but more needs to be done to ensure that new personnel are here to protect the American people. I look forward to working with you to make it harder for those seeking to do American citizens harm to be successful.

Sincerely,



Mark L. Pryor
Chairman
Subcommittee on State, Local, and Private
Sector Preparedness and Integration