

From Cyber to Immigration, Terrorism to Disasters: Securing
America in the Next Administration
Transcript of Event with
U.S. Secretary of Homeland Security Janet Napolitano

Jane Harman:

Good morning. Good morning, folks. I'm Jane Harman, Director and President and CEO of the Wilson Center and I want to especially welcome the Chairman of the Board, our board, my boss, Ambassador Joe Gildenhorn, member of the -- and the members of the Wilson Council and Alliances. It's an honor to co-host this event with the Aspen Institute and to welcome ambassadors from Bulgaria, Canada, Costa Rica, the Czech Republic, Fiji, and the League of Arab States and maybe others.

Unlike the Washington Monument or the Lincoln Memorial, the Wilson Center is a living memorial to our 28th president, our only PhD president, did you know, who studied Congress as his PhD subject. This center was chartered by Congress in 1968 and we claim to offer a safe political space for independent research and open dialogue that leads to actionable ideas for the broad policy community. That also happens to be the goal of the Aspen Institute's Homeland Security Advisory Group, which I and former secretary of Homeland Security, Michael Chertoff, co-chair. We are a bipartisan group of Homeland Security and Counter-Terrorism Experts, some of whom are within eyesight, who meet periodically, including this morning, to discuss issues and problems in-depth and make recommendations to the current Secretary, who happens to be sitting right here.

As a former nine-term congresswoman, I served on all the major security committees in the House: Intelligence, Armed Services, Homeland Security. And I am passionate about these issues. And for the two years I have been at the Wilson Center, we have held programs and hosted major national conversations on the toughest of these issues. For example, in April of 2012, John Brennan asked to speak here to describe the legal limitations around the Obama administration's drone program. The very thoughtful public discussion we had that day may have helped generate the administration's soon-to-be published counter-terrorism playbook. We also hosted a national conversation last fall with cyber czar Keith Alexander, Senator Susan Collins, and Anthony Romero, who is the head of the ALCU, on how to bring the public into the very difficult discussion on

cyber. We addressed a range of issues and will cover some of this again today, from privacy to the role of the Department of Homeland Security. All of the participants in that national conversation shared the view, and I know our secretary does, too, that cyber-attacks pose a potential catastrophic threat to U.S. infrastructure.

I met Janet Napolitano long ago -- she knows what's coming -- when she was a young associate in a Phoenix law firm. She claims that she had a perm.

Janet Napolitano:
I did.

Jane Harman:
But I have no memory.

[laughter]

Jane Harman:
Since then, she has been U.S. Attorney, Attorney General of Arizona, Governor of Arizona, the first woman to chair the National Governor's Association. Obviously I had a great influence over her.

Janet Napolitano:
Absolutely.

[laughter]

Jane Harman:
And we worked closely together when I chaired the House Homeland Intelligence Subcommittee and she made one of her first field visits as Homeland Secretary to the Port of Los Angeles, which is the nation's largest container port. The topics I will discuss with her for part of this morning, including cyber, immigration, terrorism, and disasters, all impact the Port of L.A. and other critical infrastructure throughout the country.

Leading DHS is a nearly impossible job because its jurisdiction merges 22 agencies and departments, its organization does not parallel the committee structure in Congress, and the threats against our country keep morphing, to name just a few of the modest issues that confront Janet Napolitano every day. And yet she soldiers on and has made significant progress. Special kudos, my

friend, to you and your department for the extraordinary performance during and after Superstorm Sandy. What a sea change, no pun intended, from the response to Katrina.

Before engaging in the conversation, let me say a word about one other person who is supposed to be here. I'm not sure that she's here. Is Carie Lemack here? Yes. I want to make -- do a special shout-out for Carrie, whose mother was killed on 9/11 and whose voice and courage have inspired Congress and me and the executive branch, both in the Bush administration and the Obama administration, to act. She is the Director of the Bipartisan Policy Center's Homeland Security project and her movie, "Killing in the Name," did an extraordinary amount to expose the fact that much of Al Qaeda's horror is against innocent Muslims. There are lots of big shots in this room, and one of them, a great favorite of mine, Bill Webster, just walked in. But weighing in at 100 pounds, Carrie may actually be the heavyweight. So welcome Carrie. Welcome to all of you and welcome to [unintelligible] --

[applause]

Now we -- are you embarrassed? Oh, good. That was my intention. Okay. Madame Secretary, let's start with cyber.

Janet Napolitano:
Yeah.

Jane Harman:
You've said that a cyber 9/11 is not an "if," but a "when." What would a cyber 9/11 look like and how soon could it happen?

Janet Napolitano:
It could happen imminently. What would it look like? It could take many forms, but let me just give one that may come to mind, which is what happens when the electric grid goes down. Now, we saw that during Sandy and you see how that impacts everything from the ability to heat homes, to the ability to pump gasoline, to the ability to have lighting at night, everything. So, when we look at the nation's critical infrastructure and where it is vulnerable, one of the vulnerabilities is through the cyber and the networked cyber world that we live in. So, we have been, you know, kind of trying to get this word out. The

Secretary of Defense has, I have, the Attorney General has, the Chair of the Joint Chiefs has, saying, "Look, we shouldn't wait until there is a 9/11 in the cyber world. There are things we can and should be doing right now that that, if not prevent, would mitigate the extent of damage that could be caused.

Jane Harman:

Well, as most people in this audience know, legislation is pending in Congress, several versions, but it's stalled. I know we're all shocked to hear that it's stalled. So far as I know, the White House will soon release an executive order to add authorities that don't exist. But what -- in a perfect world, what authorities do we not have, what authorities does DHS need, and what role is and should DHS play in keeping our country safe from a catastrophic cyber-attack?

Janet Napolitano:

You know, cyber is one of the areas where I think the Department has evolved the most in the last few years. Now we have a 24/7 watch center, we have a significant population of workers who are expert in this field, we have agreements with the Department of Defense and the NSA on how we can utilize their technical expertise. Really, in the cyber world, myself, Bob Mueller, the head of the FBI and Keith Alexander, General Alexander, the head of the NSA, have worked very closely together to develop playbooks and to really ascertain who has what roles and what responsibilities in different types of scenarios. Nonetheless, what we know in civilian space is that our ability to detect, prevent, and mitigate is assisted materially based on whether we know something has occurred. So, the idea of sharing and getting notice, particularly when the infiltrated entity is part of the nation's critical infrastructure that everybody else relies upon, is key. The ability to be able to undertake certain mitigation measures is key. The ability to have the freedom to hire personnel to the Department without some of the restrictions of the civil service system, key, because these are employees that everybody is competing for. So, legislation would have the effect of clarifying, making sure those rules and responsibilities are set forth in statute, FISMA reform should be included, and then dealing with some of the nuts and bolts --

Jane Harman:

Why don't you explain what FISMA is?

Janet Napolitano:

Well, I'm going to let you explain what FISMA is.

Jane Harman:

Finish you sentence.

Janet Napolitano:

That is a concept that I'm not sure everybody is familiar with. Anyway, so an executive order can do so much. The legislation is going to be critical. And it's one of those areas where part of our job is to educate the Congress on what is going on out there, educate the public. We say "cyber" and everybody's eyes glaze over. I can see it. I can see it in some of you.

[laughter]

And -- but, nonetheless, the clarion call is here. We need to be dealing with this very urgently and imminently because attacks are coming all the time. They're coming from different sources, they take different forms, but they are increasing in seriousness and sophistication.

Jane Harman:

Well, you mentioned civilian space, and I don't know how well everyone understands the fact that there is defense space, that's a dot-mil space. There is government space, that's dot-gov, but then there's dot-com and dot-org, that's the civilian space, and that's the overwhelming majority of space. And a lot of our infrastructure is operated by the private sector, so that piece of this puzzle has to be in, and Homeland has jurisdiction uniquely where the Pentagon doesn't --

Janet Napolitano

That's right.

Jane Harman:

-- or the NRO doesn't over this civilian space, and that is a reason maybe not well enough understood why Homeland has to be a major player. And yet many in the private sector, some of the business interests, have been saying that Homeland does not have the competence to do this job well. Do you agree with that?

Janet Napolitano:
No.

[laughter]

I think that's what they call --

Jane Harman:
I'm not surprised by that answer.

Janet Napolitano:
That's what's called a leading question.

Jane Harman:
Yeah.

Janet Napolitano:
You know, one of the things we deal with all the time at DHS is perception doesn't match reality. And so perception is of how things were, you know, five years ago, seven years ago, and the like. Perception needs to catch up with reality because, in point of fact, the Department has moved light years ahead in terms of its cyber capabilities and we continue to move in that direction. And President Obama has continued to ask Congress for the resources that we need in order to do that. So, when we talk about the interaction with the private sector, which we do in a number of other areas already, what we're talking about is linking together the private sector, that part of it which controls our core critical infrastructure, with our overall statutory responsibility to help protect the nation's infrastructure. And when we talk about linking those things together from a security perspective, we're not talking about a regulatory overlay. What we're talking about is how do you take part of our country that is infrastructure that everybody has to depend on and make sure that we have our security interest, the public good, taken into account.

Jane Harman:
Well, I obviously agree. Changing the subject to an uncontroversial subject like immigration.

Janet Napolitano:
Yeah.

Jane Harman:

President Obama said on Monday, quote, "Our journey is not complete until we find a better way to welcome the striving, hopeful immigrants who still see America as a land of opportunity, until bright, young students and engineers are enlisted in our workforce rather than expelled from our country." You were governor of Arizona when the Bush-43 administration, bipartisan, comprehensive immigration bill failed. Are we ready for another moment where we could pass such a thing? Do we still need a bill like that? And what efforts will you and your department make to try to help this president put immigration reform back on the -- back at the top of the agenda?

Janet Napolitano:

Well, I think the President's very clear that immigration needs to move forward and it's one of those areas where, you know, the business interests and faith-based interests and advocacy groups and others now clearly recognize that the system we have doesn't match the needs that we have as an immigrant country. So we need to do a couple of things. Most importantly, we need to reform the way people can become citizens of the country, we need to reform our visa system, we need to deal realistically and practically with those already in the country, and, quite frankly, one of the straw man arguments I now hear, as well: "We can't deal with immigration until we, quote, 'secure the border,'" right? You've heard that phrase. Well, the plain fact of the matter is that border numbers haven't been as low since the early 1970s. We've really changed the -- that aspect of the border. More manpower, more technology. We now have air cover across the entire border. We're getting to the point of diminishing marginal returns. What would really help us is if we could improve the legal migration system so that people come through our ports of entry. We know who they are, we know where they're going. If necessary, we know how long they're entitled to stay. So we shouldn't take these things as a -- sequentially, they go together. They are interlinked.

Jane Harman:

And do you think that the President will be able to make progress on this -- the legislation in this first year of his second term?

Janet Napolitano:

Well, I think there is great bipartisan discussion already occurring in the Congress in both houses on immigration.

So this may actually be one of those big issues that the Congress can take up and recognize it's for the good of the country as a whole and try to get out of the kind of partisan gridlock in which it has been found the last decade, really.

Jane Harman:

Well I don't want to out him, but Steve Hadley is about four rows back and he remembers, I'm sure, the disappointment when that bill failed. Michael Chertoff, your predecessor, was one of the point persons on it and had to go sit in his cabin by himself for the weekend after it failed, he was so discouraged. But it's a big deal --

Janet Napolitano:
Right.

Jane Harman:

-- and it affects our whole country, and certainly I'm personally hopefully that we make real progress. Last immigration question: you've been working with the Mexican government on creating a 21st century border --

Janet Napolitano:
Right.

Jane Harman:

-- between the U.S. and Mexico, one that's based on risk segmentation and the application of the latest technology. Please update us on how that's going.

Janet Napolitano:

That's going well. You know, Mexico is one of our leading trading partners and, quite frankly, we need a port infrastructure that allows goods and commerce to flow smoothly through. We're working on projects like pre-inspection, so trying to take pressure off the physical border and do things before goods get there. We're working with Mexico on trusted shipper and trusted traveler programs. We're working on doing risk-based analysis of cargo before it even arrives at a port of entry. So, I think that border, which is the most frequently traversed border in the world, really can serve and will serve as a model for how you manage a long, complicated, complex border to the economic advantage of both sides.

Jane Harman:

Well, we also have those issues along the Canadian border and we have them at our ports. One of the things I'm proud of from my service in Congress, which I did with former Representative Dan Lundgren, bipartisan bill, was the Safe Ports Act --

Janet Napolitano:
Right.

Jane Harman:
-- which had the same idea: layered security as far out as possible. At the point of embarkation we checked what was in containers and then they were secured so that they couldn't be tampered with on the high sea, so by the time they got here there wouldn't be a slow-down in letting commerce travel through the U.S. because our ports are big feeders of economic -- our economic wellbeing.

Janet Napolitano:
Oh, sure. The Port of Los Angeles, just look at the ripple effects when the cargo stops. When we hit that port it ripples through the whole country. One of the things, though -- you raise a good point. Our department's name is Homeland Security, but, in point of fact, a lot of our work needs to be done internationally and is done internationally. We now have folks in 75 countries around the world. We are negotiating agreements all the time with other countries on how we do these things, how we make agreements for how cargo will be handled and sealed and inspected, how we make agreements on how passengers can come. All of those things I think creates an international security net in a way that enables us to look forward to I think greater ease on the commercial side and on the travel side than we've ever had before.

Jane Harman:
Well, that's obviously urgent given some of the threats that have almost been pulled off against our country --

Janet Napolitano:
Right.

Jane Harman:
-- by people with bombs in their shoes and et cetera. And bombs in other body parts. And making sure that we know, and we haven't done it perfectly, who's boarding our airplanes and that we have a net to catch them even prior

to that is critical. I want to stay on this subject of terrorism and counter-terrorism. There's a lot of unrest in Mali. Everyone's reading the newspapers and obviously in Algeria, too. Why do those events affect your department and your jurisdiction?

Janet Napolitano:

Well, when you think about the world today, you know, we have -- we're in the post-Arab Spring world. We have situations --

Jane Harman:

I'm not sure it's post.

Janet Napolitano:

Arab spring into summer, maybe? But the developments there, the developments across North Africa, have huge implications for the United States. Just to give you one example: any time you have areas where there's no rule of law and where there's no government, you have a place, nature abhorring a vacuum, where Al Qaeda or Al Qaeda-type affiliates can take root. And as we have those places, they seed things. They seed things on the Internet, they seed plots that can come into Western Europe, they contemplate plots against the United States. And just because we haven't had a major terrorist attack in the homeland in the last few years does not mean that we can seal ourselves off from the risk of such an attack. So we live in a world where what happens in North Africa and countries that people may not even have heard of before really can have a direct impact whether, you know, you live in Washington, D.C. or Los Angeles or any place in between.

Jane Harman:

And the flipside of that is we also have homegrown terrorists --

Janet Napolitano:

Right.

Jane Harman:

-- and so-called lone wolves. Those are people who don't act in concert with others. But when we're dealing with American citizens inside our country, there's a different grid that applies. There is our Constitution and our Fourth Amendment and a subject that vexed me enormously in Congress.

Janet Napolitano:
Right.

Jane Harman:

Couldn't get very far and I know it's one that you think about, too, is where that line is between freedom of expression, which is protected by our First Amendment, and that means freedom to express views that probably none of us in this room would approve of -- that's protected -- and then there's a line, and then it is expression of views that cause violent behavior. I mean actions that are violent, which are not protected. Interceding at that line is the hard part. So what's the answer?

Janet Napolitano:

I think one of the advances we have made is to take the concept of Homeland Security and recognize that through better information-sharing and training we can actually empower state and local law enforcement really to be eyes and ears on the ground. We've created a network of fusion centers to help us with that information-sharing. We've created a whole training curricula. And we are looking at past cases of homegrown violence to educate us about, okay, what were the early indicators and behaviors? What did we see with, say, for example, Brevik? Norway? You remember that attack? There are lessons to be learned there. There are lessons to be learned from Aurora, Colorado. There are lessons to be learned from the attack in Newtown. There are lessons to be learned through all of these events. And the lessons are what are the early indicators, behaviors, clues that someone is moving beyond a free speech issue into actually wanting to commit an act of violence? It is an art. It is not a science.

Jane Harman:

[affirmative].

Janet Napolitano:

And it requires judgment, because we're very cognizant of privacy and civil liberties and the rest. But I think we have and are in the process of creating a much better weaving-together of state and local law enforcement with what we can do at the federal level.

Jane Harman:

And I agree with that and would just point out that under the 2004 Intelligence Reform Law, which grew out of many of the failures on 9/11 and past because Carie Lemack and her 100-pound body were strongly behind it, we created a Privacy and Civil Liberties Commission. That's in the law. It's taken forever to get people appointed and it still is not fully functioning, but actually it finally has members. The point of that exercise was at the front end of policymaking to make sure that we factor in privacy and civil liberties considerations as we come up with appropriately-tough security measures.

Janet Napolitano:
Right.

Jane Harman:
I've always said it's not a zero-sum game; you either get more of both or less of both.

Janet Napolitano:
Right, and you've got to do -- you really -- you nailed it because you have to think about privacy issues at the beginning. They are not an afterthought. DHS, I think we were the first department in the Obama administration to actually have a presidentially-appointed privacy officer. We actually have a large privacy office, and they're at the table and they are helping us. You know, it's very practical stuff. If we collect information, what kind can we collect, how can we store it, who can we share it with, how long, for what purpose can it be used? There are privacy implications about that. A number of other examples of how we imbed privacy considerations into the work that we do.

Jane Harman:
And how important it is.

Janet Napolitano:
Yeah.

Jane Harman:
And, you know, our country is strong because we protect civil liberties and we protect security, not because we protect one of them and not the other one.

Janet Napolitano:
These are our values. That's correct.

Jane Harman:

All right. Final question. You and I are both in a field dominated by men. As I mentioned, I served on all the major security committees in the Congress and I now serve on the State Department, Pentagon, CIA and DNI external boards. You are the first Secretary of Homeland Security who happens to be a woman. What advice do you have to young women who are thinking about getting into the security field?

Janet Napolitano:

Get at it. It's fascinating, it's important, it's challenging, and you can serve the public in a way that you can't serve in any other regard. So I would just say get at it.

Jane Harman:

Hear, hear. Anyone disagree with that? If so, leave the room.

[laughter]

We're now turning to questions from you. Please identify yourselves, wait for the mic. There are some in an overflow room and so we'll take some of those in writing. I think that's how this is going to work. We have about a full 20 minutes. I just do want to mention, because I see most of them here and I'm afraid I won't introduce them if I don't read the whole list, but there are members of our advisory group in the room, including -- or most of these people are in the room. Charlie Allen, Stuart Baker, Richard Ben-Veniste, Jim Carafano, P. J. Crowley, fearless Clark Ervin, who directs our group and who I forgot to acknowledge, Steve Hadley. I don't think Walter Issacson is here. Brian Michael Jenkins, Mike Lieder. These are all names you know. Former Congressman Paul McHale, John McLaughlin, Phil Mudd, Ozzie Nelson, Eric Olson, Dan Prieto, Guy Swan, Bill Webster I mentioned, Evan Wolff, Juan Zerate [spelled phonetically], and Phil Zelleco [spelled phonetically]. It's an amazing list and, you know, it is a tribute to you, my friend, because all these people care intensely about our homeland security, but they also value the opportunity to help advise.

Janet Napolitano:

That's great.

Jane Harman:

Questions? Right here, red jacket. Please identify yourself.

Rachel Oswald:

Hi, Rachel Oswald, Global Security Newswire. Secretary, can you tell us how close your department is to meeting Congress' mandate that 100 percent of foreign cargo be scanned when it comes into the country. You're operating under an extension now that's due up I believe to close in summer 2014. And also could you tell us about any projects the DNDO office is working on? Any new nuclear detection technology?

Janet Napolitano:

Oh, with respect to 100 percent scanning, I actually looked into this issue very thoroughly, as did my predecessor, Secretary Cherdoff. It's one of those things where, as we have grown and become more knowledgeable about how to really manage risk, we have recognized that mandates like that sound very good but, in point of fact, are extraordinarily expensive and that there are better and more efficient ways to accomplish the same result. So we have a number of things around the world -- that's why I mentioned the negotiation of international agreements and the like. Those are the kinds of things that, layered together, make it -- make us confident that we are doing what -- all that can be done to minimize the risk that dangerous cargo will enter the United States. And with respect to DNDO, one of their achievements last year, and it's a significant one, was to finally implement or finish and begin implementing a nuclear architecture for the safety of the country. And I don't want to go into some of the new technologies because we don't want to share some of that information, but there's constantly-developing technology in that arena.

Jane Harman:

Right here.

Female Speaker:

Madam Secretary, I'm Ami Hober [spelled phonetically], I'm a consultant in the national security arena. There was an editorial the other day on the TSA Pre Program that argued that it was inequal and therefore should be abolished.

Those of us who spend our lives on airplanes appreciate it a lot. Does this sort of argument threaten the program?

Janet Napolitano:

No. In fact -- I mean, I appreciate that, but here's the thing. I just talked about managing risk. One of the big developments in the Department over the last few years is to say, "Well, we don't need to treat all cargo the same. We don't need to treat every passenger the same." We did as we got started, that was the only thing to do, but now we can begin really looking at risk or travelers we need to know more about versus those that have already given us information. So as we have been able technologically to link systems with the airlines, as we've been able to have airports install the right types of equipment, you have seen the pre-check program, the domestic program, already expand. I think the number I recently have is about 8 percent of passengers now are in it. Our goal is to get to half of passengers having some kind of pre-check capability within the next two years. So I think that really deals with the argument about being unequal. We're sensitive to that argument, but our goal from a security standpoint is to try to take pressure off the line so we can focus on those we need to know more about.

Jane Harman:

In the front row.

Petr Gandalovič:

My name is Petr Gandalovič. I'm the Czech ambassador. Madam Secretary, how do you see the future of the legislation in the area of cyber security and how can you get around with the presidential executive order only?

Janet Napolitano:

Well the executive order will help on some things, clarifying roles and responsibilities in some respects, by way of example: setting forth how we interact with the private sector by others. But it cannot create any kind of overreaching statutory authority. It can't -- it cannot also amend current statute to better equip us to deal with the cyber threat. So the EO can go so far, the executive order go so far, but Congress will need to act. So I was pleased to see that there was a placeholder bill introduced yesterday. I think this is an area that the more Congress understands, the more willing they are to really take this up. I think this is an interest of the new Chair of the

House Homeland Security Committee, who worked on a bill last year. So my hope and my efforts will be toward moving legislation this year.

Jane Harman:

Don, in the back.

Donald Wolfensberger:

Thank you. Madam Secretary, I'm Don Wolfensberger with the Wilson Center. I'm wondering whether you might give us a brief explanation of what prompted the withdrawal of the full body scanners at airports and when we might expect a replacement? Full disclosure, I'm an artificial hip guy, so I appreciate them.

[laughter]

Janet Napolitano:

Well, we're not withdrawing all the scanners. We're withdrawing one type of scanner. Those scanners are very valuable. Why? Because aviation remains a threat. We don't put scanners in airports for our health, in that sense, or because, you know, we want to interfere with travelers going through airports. That's not their purpose. Their purpose is to deal with a known threat. And what's the known threat? The threat is that our adversaries, Al Qaeda and its affiliates, remain focused on aviation, be it cargo or passenger, and are increasingly sophisticated about the types of things they want to do. So the scanners, which better enable us to see non-metallic explosive material, are essential. Now, there was a privacy concern raised with one type of scanner because it had, like, a smudged photographic image as opposed to -- what Congress now requires is a software that just gives you, like, a stick figure that then points out some anomalies. One type of scanner was able to get that software in. The other type has been unable to do that, and they've been unable to meet that requirement. So we are removing those. Actually, the company that manufactures them is removing them at their expense, and we will substitute in the other model. So the scanners will still be in the airports.

Jane Harman:

Over there. In the back. Right here, with your hand way up. Right there.

Ted Alden:

Thank you. I'm Ted Alden from the Council on Foreign Relations. I wanted to ask you when we might see from DHS some additional releases of data that would be very helpful in the coming immigration reform debate. I'll give two specific examples. One is visa overstay rates, which would help, for those in Congress who want to move forward in expanding the visa waiver program, and would also help counter the very common perception in Congress that visa overstay remains a massive problem, a big vulnerability, a real weakness in border security. The second would be some data on the effectiveness of the consequence programs at the border. I mean, we're now -- you know, most of the people that are being apprehended by the border patrol now are going through some kind of consequence programs.

Janet Napolitano:

That's right.

Ted Alden:

Are these effective in reducing recidivism, in preventing people from trying again, which has been a problem for so many years? These are pieces of data that would be very helpful in the debate, and I think a lot of that is probably available at this moment to DHS.

Janet Napolitano:

Right. And we are preparing some of that data in the likelihood that comprehensive immigration reform comes up. So visa overstay rates -- and what we have done to go back now and to identify visa overstays in the last 18 months is significant. I mean, one of the things we have discovered is a lot of individuals who were so-called visa overstays actually had left the country. We just didn't have a good record of that. So, one of the other things we're adding is a very enhanced biographic type of exit system, which will be implemented over the next years. That will give us a better sense of who's actually leaving. And with respect to consequence delivery, you're absolutely right. We're past the time when we just do turn-aways at the border. If you're found, you go into -- we have some different models of consequence along the border. But we're keeping track of that, in particular for recidivism rates. And so our consequence delivery program I think will have data available for the CIR debate.

Ted Alden:

That would be very helpful because they still -- I talk to the folks on the Hill a lot. There's still a lot of mistrust about that [inaudible] --

Janet Napolitano:

Yeah, I agree. And one of the things we need to do is educate members about what really is happening on immigration and at the border. Again, the perception and the reality are two different things.

Jane Harman:

The woman in the back by the window.

Thena Lee:

Hi, my name is Thena Lee [spelled phonetically] and I'm an intern here at -- with the Wilson Center. And I have a question regarding the drone attacks because the targeted killing of al-Awlaki just raised a lot of questions. One of them is about the due process in the Constitution. President Obama has stressed that due process does not equal to legal process, but we know that it won't last long. So I wonder what kind of, like, legislation the Congress is working on and do you think there will be a change in the first year of the second term of President Obama? Thank you.

Janet Napolitano:

On the drone -- on drones?

Thena Lee:

On the targeted killing of U.S. citizens specifically.

Janet Napolitano:

I think that what we have done is to use a technology now available to focus on and target those who are seeking to do harm to the United States. There is a legal infrastructure around it within the federal executive branch. I think that there will be some further iteration of that as we go through this next year. That's been worked in at the -- what they call the inner agency. But let's not forget that al-Awlaki was really one of the key perpetrators of fomenting an attack against the United States.

Jane Harman:

Let me, if I might, just add something there as a former member of Congress. I mentioned in my opening remarks that

John Brennan came here to explain that there is a legal framework around drone attacks.

Janet Napolitano:
Right.

Jane Harman:

I also mentioned that the administration, I think probably led by him, is developing what's called the counter-terrorism playbook, which is going to be more specific about what this framework is. I'm aware and I think we are all aware that some in Congress want to see the legal memoranda that have been prepared by the Obama Justice Department explaining the policy around targeting American citizens abroad. It's a careful policy, but, nonetheless, explain it. And Congress wants to see the memos. I personally think, as a former member of Congress, that in a classified setting those memos should be made available to Congress and Congress as an independent branch of government should be able to review them. And there ought to be a public discussion of -- not all the details, and not the targeting set, but of the general subject. And so I think -- I'm pleased that you raised it. You know, it's the kind of thing the Wilson Center does. We want to have conversations around tough security issues and this is a -- I appreciate the fact that you, an intern at the Wilson Center, raised the subject. So thank you very much. It wasn't a planted question.

Janet Napolitano:
Okay.

Jane Harman:
Other questions? Right here.

Female Speaker:

Thank you, Madam Secretary. Good morning and good morning Ms. Harman. I'm the ambassador of Costa Rica, and, as you know, our country is doing well on the security front and on the economic front, but we're trying to fight with institutions what a lot of other countries fight with armed forces, and we have no armed forces. And we're in a dangerous neighborhood. We're in the conduit to the U.S. drug market starting with Columbia, Venezuela, and then going up through Mexico. And the world is becoming terribly complicated with organized crime, terrorism, and drug trafficking all interlinked. Your department, and I

would like to thank you, is working very hard with us, and I appreciate it a great deal. I just want your assessment on progress made. Are you optimistic or realistically deflated or how do you feel things are going and will go in the future?

Janet Napolitano:

In my judgment we need to have a western hemisphere regional approach with respect to Central America. You know, you read in the press about violence rates in Mexico and, point of fact, the violence rates in places like Honduras are much higher and are among the highest in the world. You're right. The drug route comes right through there. I actually think this is an area where the United States and Mexico can and should work together with Central America in terms of trying to strengthen institutions, do capacity building, and try to shut that drug network down.

Jane Harman:

Jan.

Jan Smith-Donaldson:

I'm Jan Smith Donaldson on the Wilson Council. My question is -- you keep warning of cyber 9/11. What can we as individuals do to be better prepared in the event of this?

Janet Napolitano:

Well, I think one of the things every individual could do -- I mean, every individual who is on the Net is a potential opening. And let's -- you know, the Internet is a great thing. This has empowered the world. It makes knowledge available. It's a phenomenon. We just want to make sure that we remain safe and free. So that requires everyone to take some responsibility, have good cyber habits, make sure you -- we use the phrase "stop, think, connect." We're actually trying to push that into young kids who -- they're on the Net, you know, at an ever-younger age. So I think, with respect to your question, every individual practicing what we -- good cyber hygiene. In my judgment, if we could make it as ordinary as making sure you buckle your seatbelt when you get in a car, there are things you do before you get on the Net, that would be a significant advance.

Jane Harman:

But a difference is that the technology is changing exponentially, hourly, and it is very hard to think ahead of these things, which is why one of the things that Janet

Napolitano said, which is the ability to recruit really smart people, especially kids, who have integrated brains that people like me don't have, who can think ahead of the bad guys, is crucial.

Janet Napolitano:

That's right. So if any of them are watching this: first, go to class.

[laughter]

But, secondly, what we have found in our recruitment efforts is the work itself is such a value and being able to participate in the security of the nation, that's a big deal. So I think that -- you know, we encourage young people to keep that in mind.

Jane Harman:

We have 10 minutes left. I'm going to take two more questions. Then I'm inviting anyone from our advisory group, in case you have a question or an observation briefly, and then the Secretary will be able to wrap up. So the two questions are going to be Stape Roy right there and in the very back by the window.

Stapleton Roy:

Stapleton Roy with the Wilson Center. Madam Secretary, I think you've correctly highlighted the cyber threat. We have crime threats on our streets, but we have policemen out there who arrest criminals and prosecute them and send them to jail. In the cyber field, we're constantly told about the threat, but we, people who are victims of the threat, and we get viruses and attacks on our computers all the time, we don't see any visible evidence of the people who are going after the perpetrators. Some of the threats come from misguided domestic people, some come from foreign sources or from foreign governments. Is our legal framework -- do we need international agreements on what's permissible and what's not permissible in terms of what governments should and shouldn't be doing? And why can't we have -- there's no 911 number to send infected things off to where somebody's responsible for going after the perpetrators. My sense is we need a more public evidence that there's an agency in the government that is addressing these problems. Could you address this problem? Because I constantly hear about threats and I don't see any visible

evidence of who's going after the threats and who's dealing with them.

Janet Napolitano:

Yeah. Who's going after the threats? It is the FBI, it's the Secret Service, it's Homeland Security investigations under ICE, it's state authorities in some respects, U.S. attorneys in some respects. But the point you make about the international framework and the global nature of these things is so very, very important. So I think you're exactly right. We do not have an adequate international framework for dealing with some of this. There have been attempts, there are some things going on right now, but in terms of really the world coming together and reaching agreement on some conventions to be used where the Internet is concerned, we're not there. The idea of an internet 911 kind of call thing, that's a neat idea. I hadn't thought about that, and that would be something that I think our shop would take into account. So I think I'm going to take that back.

Jane Harman:

In the back of the room.

Male Speaker:

Madam Secretary, you brought up the new Chairman of the House Homeland Security Committee. He has said that one of his plans is to fix DHS. Wondering if you think that DHS needs to be fixed and are you worried about -- at all about having to work with the new Congress and the new Chairman?

Janet Napolitano:

Yeah. I've met with the new Chairman. I think what he means by that is we want to continue to integrate, to unite, to improve, to really drive some of the issues we discussed this morning forward, be it cyber security, be it a real immigration system that matches our current needs, be it counter-terrorism in all of its morphing forms, international and domestic. And so I think, you know, we look forward to working with him and with the new Chair of the Senate Committee to keep on moving these things forward. When you think about the major issues that are in discussion in the country, there are the fiscal issues, but then you get to immigration reform, you get to cyber security, you get to gun violence and what we do about that. Those are all in the wheelhouse of the Department of Homeland Security. So we're going to be in the middle of

the national dialogue on those three critical issues and we'll work with the Congress on those. We'll work with the public on those, because they're critical.

Jane Harman:

One thing to add there is that an unfinished piece of business from the 9/11 Commission was a call to Congress to reorganize itself.

Janet Napolitano:

Right.

Jane Harman:

To mirror the reorganization that's gone on at the Homeland Department. Well, Congress hasn't done that, and so what you're not hearing yet is the need to continue to report to -- I think it's 88 committees and sub-committees, or maybe it's higher.

Janet Napolitano:

105.

Jane Harman:

105.

[laughter]

Yo. Would anyone who is a member of our advisory committee like to make a comment or -- at this point? I warned you all. Are you all tongue-tied? Let me just see. Yes. Right here.

Michael Roman:

I'm Mike Roman with Exxon Mobil, Madam Secretary. We talked a little bit earlier this morning about the cyber security information-sharing and collaboration program. And I just wanted to acknowledge, again, that from our perspective that program is critical. It's working well. It gives us an opportunity to work closely with DHS personnel and understand what their needs are so that they can understand our needs. Taking that just one step further to a point you made earlier about the fact that, beyond the domestic Homeland Security, you deal internationally. Is there an opportunity to take a program like that and share it in other parts of the world so that we have the same opportunities as organizations and as a country to learn what's going on and have those types of

information-sharing and communications that are so important?

Janet Napolitano:

Yeah, I think there is. I think exchanging information, sharing best practices, whatever you want to call it, we can do it bi-laterally, we can do it multi-laterally. There have been sessions already with our EU partners on doing exactly that. One interesting aspect, though, that you raise, and I think we'd better pursue this, is those have not necessarily included the private sector or the critical infrastructure sectors there. So kind of expanding the aperture to do that would make sense.

Jane Harman:

So, in our last few minutes, thank you all for very important questions. Secretary Napolitano, as you contemplate your future at the Homeland Department and, speaking for me, I'm delighted that you've indicated you are staying, and you think about some of the unfinished business, what are -- just to give you the opportunity to close but also perhaps to let us know what your highest priorities are going to be in the next month to year.

Janet Napolitano:

I think when I look at where I'm going to be spending my time, aside from kind of the management-, integration-type issues, I think the coming immigration debate is something that we are going to be deeply involved in and we have deep and wide experience in those issues. Cyber, we have already mentioned. And then the constantly-evolving types of terrorist threats and how we can better educate ourselves, train law enforcement, ascertain from history and otherwise what are better ways to identify behaviors and indicators of potential violence. Those are the things that are going to concern me. And as I was mentioning just now, when you think about the issues confronting the country, and there are many, but those are three central ones. And we now have created this huge asset, you know? It's a Homeland Security Department that integrates what previously had been 22 different entities, different home agencies and so forth, and now we're not just about connecting the dots, we're about finding the patterns and about really analyzing what are the dangers to the security of the people of the United States, what are the highest ones, what are the ones that are best managed now, better managed now, and the like. So, Jane, I think I will focus

on the three issues I just described, not to the exclusion of everything else, but in terms of three important ones that affect the security of the nation.

Jane Harman:

Well, I thank you for that. I thank you for your service and the Wilson Center will continue to look far out there, too, not just on the immediate legislative issues, which we will obviously look at, but on how should our country manage the second decade after 9/11. I think there are some important questions still to ask. What are our values and are we getting it right? And these are questions that many of you think about. We will have more national conversations on these issues. We're very grateful, Janet, that you came here. This is your first, so far as I know, sort of look-out on the horizon speech in this calendar year. Obviously --

Janet Napolitano:

That's right.

Jane Harman:

-- your first one since the second term of President Obama began, that was just this week, but hey. But we're honored by your presence and following this -- the closing of this session, we're moving to our advisory group --

Janet Napolitano:

That's right.

Jane Harman:

-- where you will spend time with us talking about these and other issues. To everyone, thank you for being thoughtful, thank you for being in the policy debate, and thank you for coming to the Wilson Center.

[applause]

[end of transcript]