Senator Jon Kyl
Senate Judiciary Committee
DHS Oversight Hearing
21 April 2008

Statement for the Record

Chairman Leahy continues to use his opening statements to make partisan and often inaccurate statements about the Bush administration. I would like to address a few of the statements that Senator Leahy made at today's DHS oversight hearing.

- **The Chairman stated that "[t]his administration will not even share with this oversight Committee its legal justifications for waterboarding and other practices that we would condemn if visited upon an American anywhere in the world."**

  The Administration has offered its legal justifications for the past use of advanced interrogative techniques on multiple occasions, including having: (1) held three briefings for Congressional staff; (2) testified before Congressional Committees on at least six occasions; and (3) provided three letters outlining the legal justifications for the CIA's interrogation program. While the Chairman might disagree with the legal justifications offered by the Administration, it is inaccurate to suggest that the Administration has failed to cooperate with Congress on this issue.

- **The Chairman stated that the "administration has failed to live up to its promises to resettle Iraqis who have helped the United States in their home country."**

  It is true that our government has lagged in its efforts to admit Iraqi refugees to the United States in recent years. However, the Chairman fails to mention the many steps that this Administration has taken to address that problem.

  For instance, according to Ambassador James B. Foley, Senior Coordinator for Iraqi Refugee Issues at the State Department, 2,700 Iraqi refugees have arrived in the United Stated in 2008. Ambassador Foley has also stated that roughly 5,000 Iraqis have been approved for admittance, and another 8,000 are expected to be interviewed in the third quarter of this year. Ambassador Foley believes that the Administration will have met its goal of admitting 12,000 Iraqi refugees by the year's end.

  The Administration has significantly improved the process for admitting Iraqi refugees to the United States. The admittance of Iraqi refugees is not a partisan issue, and I believe that the Chairman's comments, which frame it as such, contribute little to advancing a solution.

- **The Chairman stated that the "[a] Republican Congress rejected efforts toward comprehensive immigration reform and adopted its so-called Secure Fence Act." The Chairman goes on to state that the Department of Homeland Security has**

“begun condemning the property of private citizens in Texas and Arizona who would prefer that you not construct a border wall on their property.”

First, it is inaccurate for the Chairman to suggest that Republicans were responsible for the failure of comprehensive immigration reform. During the 109th Congress, the Comprehensive Immigration Reform Act of 2006 passed the Senate with bipartisan support. It was sponsored by Senator Specter and cosponsored by five Republicans and one Democrat. And, in the 110th Congress, which Democrats controlled, the comprehensive bill which Senator Graham and I cosponsored with Senator McCain and others failed on a cloture vote opposed by both Democrats and Republicans.

Likewise, it is inaccurate for the Chairman to suggest that a “Republican Congress” is solely responsible for the Secure Fence Act. Although Republicans controlled Congress at the time of its passage, the Chairman fails to mention that the Secure Fence Act passed the House with 64 Democrats voting for final passage, and in the Senate, more than half of all Democratic members voted for final passage, 26 in total. The Secure Fence Act was a bipartisan effort to secure our southern border, and, by all accounts, it is succeeding.

As for the Chairman’s comments about the condemnation of private property, the Secure Fence Act requires that the Department of Homeland Security construct 700 miles of fencing along the southern border. Condemnation is necessary for a small portion of the right-of-way. The Department is acting to fulfill its legal mandate, as should be expected of any Executive agency. It is unclear why the Chairman appears to criticize the Department of Homeland Security for doing its job.