

Testimony of

The Honorable Patrick Leahy

March 12, 2003

I would like to thank Senators Kyl, Feinstein, Chambliss, and Kennedy for holding this hearing on a topic that is so critical to my state and our nation. It makes perfect sense to conduct a joint hearing because the issues really do overlap - we need to improve the technology guarding our borders so we prevent terrorists from entering, while also assuring that whatever technologies we adopt are consistent with the need to maintain an orderly flow of people and goods across our borders. If we fail to do the former, the consequences are obvious. But we must also remember that if we fail to do the latter, our economy will suffer immeasurably.

Of course, this is an area where striking an appropriate balance is exceedingly difficult, and I look forward to hearing the views of our witnesses. I would like to offer a special welcome to Asa Hutchinson, appearing for the first time before this Committee in his new capacity as Undersecretary for Border and Transportation Security at the Department of Homeland Security. I regret that we were not able to hold your confirmation hearing in this committee, but I am pleased that you are appearing before us so early in your tenure. I was also pleased to see that Stewart Verdery, a distinguished former counsel for this Committee, has been named as Assistant Secretary for Border and Transportation Security.

We know that increasing the number of law enforcement personnel at our land borders is a necessary, but not sufficient, step toward improving our nation's security. In the USA Patriot Act, Congress enacted my proposal not only to triple the number of INS Inspectors, Border Patrol agents, and Customs officers at our borders, but also to provide \$100 million to improve the technology we use to monitor the Northern Border and to acquire more monitoring equipment. In the same Act, we mandated improvements in information-sharing among Federal agencies, called for a faster implementation of the integrated entry-exit data system to track foreign visitors, and required that other nations that participate in the visa waiver system develop tamper-resistant passports. The USA Patriot Act was complemented by the excellent work of Senators Kennedy, Feinstein, Kyl and Brownback in last year's Enhanced Border Security and Visa Reform Act, which I was proud to cosponsor. That law provided for further increased investment in border security technology, as well as substantial improvements to our foreign student tracking system, the entry-exit data system, and the visa waiver program, among other things.

We have passed two major bills in the last year and a half to safeguard our borders, and it is now time for us to exercise our oversight powers to ensure their proper implementation. We have asked the executive branch and our own General Accounting Office to study what technologies

make the most sense, and today we will hear from representatives of both. There seems to be no shortage of technologies from which to choose. Companies large and small from throughout our nation are responding to the increased need for security by developing new products or retooling existing ones. In Vermont, a Bellows Falls company named AngioLaz has made the Vision Stick, a surveillance tool that can monitor otherwise inaccessible areas, including borders.

Of course, it is difficult to discuss our border security without considering both the administrative challenges the new Department of Homeland Security faces and the budgetary constraints that the Bush Administration has imposed upon it. Our security depends upon the effective integration of dedicated officers who worked for 22 different Federal agencies at this time last month. I know that these employees have many questions about what the future holds for them, and I would urge Undersecretary Hutchinson, as well as Secretary Ridge, to address those questions as quickly as possible.

For me, this is an issue of both national and local importance. It is a national issue because I am concerned that performance throughout the new Department will suffer if a substantial number of employees are worried about their futures. It is a local issue because I know many dedicated people in Vermont who are new Department of Homeland Security employees. For example, there were more than 1,600 INS employees in Vermont who are now working for DHS. They protect our borders, assist in the enforcement of our immigration laws in the interior, and foster legal immigration and commerce by processing applications for immigration benefits. They are the sort of well-trained and highly-educated people we need to keep if we are going to protect our nation effectively. I would strongly encourage each of you who are here today from DHS to provide as much guidance as you can to your new employees, and to retain their expertise to the maximum extent possible.

As we hold this hearing about reducing the vulnerability of our borders, the Administration continues to engage in what House Appropriations Committee Chairman Bill Young has called "a pointless and harmful debate" with its own party in Congress to avoid blame for under-funding homeland security. I agree with Chairman Young that we can choose either to continue this distracting debate - as the White House apparently prefers - or to "address the real issues facing first responders" and our other security needs. Mr. Young's March 6 letter to White House Chief of Staff Andrew Card - reported widely in the press - shows that the Administration knew exactly what Congress was prepared to appropriate for homeland security. If the White House wanted more funding, it had the opportunity to demand it. Unfortunately, it is completely in keeping with this Administration's record on homeland security that it offered no complaints until after the bill was passed.

First, only a few months after the September 11, 2001 attacks, the President threatened to veto additional funding of about \$10 billion for new customs agents, port security, and other pressing needs, causing otherwise supportive Republican members to oppose the supplemental funding. Last summer, the President refused to spend \$5.1 billion that Congress had approved on a bipartisan basis, half of which was for homeland security improvements. Now, while complaining that Congress has shortchanged our security for fiscal year 2003, the President is proposing a budget for FY 2004 that does not come close to meeting our security needs. For example, the President's budget for border security provides for less than a 3 percent increase. Our nation faces serious challenges that will not be met through incremental improvements.

Neither political rhetoric nor administrative reorganization will make us safer. I look forward today to discussing something that will - improving our technology.

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