

Statement of

# The Honorable John Cornyn

United States Senator  
Texas  
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U.S. Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship  
U.S. Senator John Cornyn (R-TX), Chairman

"Strengthening Enforcement and Border Security:  
The 9/11 Commission Staff Report on Terrorist Travel"

Monday, March 14, 2005, 2:30 p.m., Dirksen Senate Office Building Room 226

## OPENING STATEMENT OF SENATOR JOHN CORNYN

This joint hearing of the Senate Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security shall come to order.

I want to thank Chairman Specter for scheduling today's hearing.

I am especially pleased that today's hearing is a joint hearing of the Immigration and Border Security subcommittee, which I chair, and the Terrorism and Homeland Security subcommittee, chaired by Senator Kyl. Senator Kyl and I see eye to eye on a number of the problems facing our immigration system. So I am especially pleased to be here with him today, and I look forward to working especially closely with Senator Kyl in the coming months as the debate in Congress over our immigration laws unfolds.

I also want to thank the ranking member of this subcommittee, Senator Kennedy, and Senator Feinstein, the ranking member of the Terrorism subcommittee, along with their respective staffs for working with my office to make this hearing possible.

I would like to make just a few brief introductory remarks before we formally begin today's hearing.

I was honored to serve in the last Congress as chairman of the Subcommittee on the Constitution, Civil Rights and Property Rights, and to work closely with Senator Feingold, the ranking member of that subcommittee. Although we parted company on some issues, Senator Feingold was always a principled, courteous, and devoted ranking member of the subcommittee, and I will miss working with him and his hard-working staff in that capacity.

I also look forward to the new role of chairing the Immigration subcommittee - and I look forward in particular to working with Senator Kennedy, whose devotion and commitment to immigration issues is long standing and well known.

It is especially gratifying to serve on the Immigration subcommittee at this critical time in our nation's history.

President Bush has articulated to the nation a vision for the comprehensive reform of our nation's immigration laws - in the interests of our nation, our national security, our national economy, and the rule of law. I am sympathetic to the President's vision, and I look forward to the critical role that this subcommittee will play in the coming Congressional debate.

But before we debate the need for reforming immigration law, we should ask why it is we have so miserably failed to enforce our current laws. Is it lack of resources? Is it lack of will? Is it because current law is out of sync with economic reality? Or is it for other reasons entirely? No doubt, whatever the reasons, our current immigration system is badly broken. It breeds disrespect for law, and poses serious risks to our national security.

As an American I am deeply troubled by our chronic inability - even our unwillingness at times - to do what it takes to enforce our immigration laws.

As an American, I am proud that the United States is a nation of immigrants. At the same time, I am proud that, first and most fundamentally, we are a nation of laws.

As an American, I believe our immigration laws can be designed to be compassionate and humane. At the same time, I believe our immigration laws must be designed to protect U.S. sovereignty and to further U.S. interests.

As an American, I understand that our immigration policy can be reformed to better serve our national security and our national economy. At the same time, I understand that, unless we can ensure the enforcement of law, it is futile to discuss the reform of law.

## INTRODUCING THE HEARING

Towards that end, today's hearing is just the first in a series of hearings on "Strengthening Enforcement" - the first in a series of hearings to focus attention on the challenges that face our ability to enforce our immigration laws. Future hearings will look at interior enforcement and the need to strengthen our deportation system, because we need to review the immigration system from top to bottom. Today's hearing will examine the challenges to enforcement that we face at the border.

I hope that these hearings will serve at least two purposes. First, these hearings should help us identify those challenges to enforcing immigration laws that we can address - such as through additional resources or legal tools. Second, these hearings may help us consider whether comprehensive immigration reform would be helpful to the cause of stronger enforcement of our laws.

Our hearing today will examine the analysis and recommendations from the border security staff report of the 9/11 commission, entitled "9/11 and Terrorist Travel." The 9/11 Commission and their staff performed a tremendous public service by providing a comprehensive review of the facts and circumstances surrounding the September 11th attacks. I hope that those of us in Congress never tire of reviewing the lessons learned from the failures that lead to that terrible day. As that report makes clear, defects in our ability to enforce our laws and to secure the border pose a threat not only to the rule of law, but to the security of our nation as well.

Specifically, the border security staff identified several deficiencies in the training of border personnel and several defects regarding our visa policy.

The report noted that our immigration inspectors, now called CBP officers, received little counter-terrorism and behavioral science training, no cultural training, and rarely received follow up training. They also wrote that "critical continuing education on document fraud was rare."

The report also recognized that our visa process allowed terrorists to exploit our system and gain extended stays within our country. Recognizing this defect, terrorists concentrated on ways to exploit legal entry into our country, whether by lying on entry forms or using manipulated or fraudulent documents. All but two of the nonpilots involved in the 9/11 attacks were admitted as tourists and were granted automatic six-month stays. This allowed them to maintain a legal immigration status through the end of the 9/11 attacks. We should examine the process by which length of stay is determined to ensure that inspectors grant an appropriate time period to those seeking to enter the country.

And make no mistake, this type of exploitation continues. Just last week, FBI Director Mueller testified that he was aware of people going to Brazil, assuming false identities, and making their way through Mexico to cross the U.S. border with their new identities and documents. And, recent news reports cite intelligence officials who believe that Al Zargawi has considered plans to enter the United States in this very fashion.

The border security report makes clear, all of the 9/11 attackers entered our country through a legitimate port of entry, passing through border security sixty-eight times prior to carrying out their deadly attacks. These border encounters are the time to detect and arrest those who use document fraud and manipulation to enter. Immigration inspectors must receive periodic updated training about document manipulation, fraud, and other illicit methods used to enter the country because these inspectors are in the best position to stop those who come here to do us harm.

But we also know that al Qaeda and other terrorists plot their attacks, and modify their plans, over long periods of time. Undoubtedly, they will attempt to gain entry into the United States undetected in between the ports of entry. I recently toured a portion of the Texas/Mexico border and I am concerned that this expansive and porous boundary leaves our country vulnerable.

This vulnerability was highlighted by Deputy Homeland Security Secretary Admiral James Loy in recent testimony before the Intelligence Committee. He said:

"Recent information from ongoing investigations, detentions, and emerging threat streams strongly suggests that al Qaeda has considered using the Southwest Border to infiltrate the United States. Several al Qaeda leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons."

It is imperative that we find a solution to this exposure. Clearly, a part of the ultimate resolution is well equipped, trained, and funded border patrol agents and inspectors.

Our front line border personnel are highly dedicated and loyal public servants. They process visitors in a timely fashion to avoid legitimate travel and commerce backlogs, while simultaneously identifying those who should not be allowed to enter the country. This is a high stress job, particularly in the post 9/11 environment.

Yet, we will never have effective enforcement at our borders unless we adequately train the people we task with carrying out this job. And, the thought that inspectors may unwittingly facilitate the introduction of terrorists, weapons of mass destruction or illegal drugs into our country because they have not received the information or training they need is unacceptable.

That is why we must do everything within our power to ensure that these front line defenders have all of the training, equipment and information they need to get the job done.

I hope to hear today how DHS has enhanced their training programs to reflect the increased importance of our front line inspectors' role in the defense of our country and how DHS considers and grants visas to ensure that the system is not exploited.