

Statement of

The Honorable Chuck Grassley

United States Senator
Iowa
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Statement by Senator Charles E. Grassley

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Committee on the Judiciary,
Subcommittee on Immigration, Refugees and Border Security

"Improving Security and Facilitating Commerce at America's Northern Border and Ports of Entry"

I'd like to thank the Chairman of the Immigration Subcommittee for holding today's hearing about security and commerce at the northern border. Border security is a critical issue that this body needs to constantly assess and improve. The number one responsibility of Congress is to protect the homeland, and we must not turn a blind eye to the realities of illegal activity that is seen every day along the southern and northern borders.

Before I delve into the issues, I want to take a moment to thank all those who serve our country every day to protect the borders. We are saddened by the recent loss of Border Patrol Agents Eduardo Rojas, Jr., and Hector Clark, who were killed last Thursday near Gila Bend, Arizona. We pray for every agent's safety as they put their lives on the line and we share our gratitude for their dedicated service to our country.

It's been five months since Special Agent Brian Terry was shot and killed while on duty in Arizona. His family still has not fully received answers as to what happened in the shootout with a roving band of illegal immigrants, although a recent indictment issued in the case confirmed information I had previously received that two of the guns those criminals were using were a part of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Operation Fast and Furious. The ATF failed to stop those weapons from being transferred to the bandits at the scene of the shootout with Agent Terry. One thing is clear--our borders are far less safe with the ATF having allowed well over a thousand firearms to end up in the hands of straw purchasers. These cartels make our borders an increasingly more and more dangerous place each day.

When you hear stories of Agents Rojas, Clark, Terry, and others, it's hard to accept Secretary Napolitano's word that the border is more secure today than ever. The Border Patrol Council - the union that represents agents - even said the Secretary's statements are "wrong and give citizens a false sense of security." And, the facts are against her. An independent study from the Government Accountability Office says that only 873 of the 2,000 miles separating U.S. and Mexico are under "operational control."

I'm also concerned by a recent Government Accountability Office report that emphasizes the significant threat posed by illegal crossing on our federal lands. Our national parks and forests are vulnerable because of the lack of law enforcement presence and because of their rugged terrain. On the Northern Border, the Spokane sector is the primary entry point for air smugglers of high-potency marijuana. Yet, there's insufficient agency coordination to share intelligence or to develop joint budget requests or strategies to address these threats.

We have more than drugs and guns crossing our borders. We have human smuggling and trafficking. And, we have more than just Mexicans wanting to make a better life for themselves and their families. So far in fiscal year 2011, we have apprehended over tens of thousands of "Other Than Mexicans" at the southern and northern borders. We cannot let down our guard. Lest we forget that the so called "millennium bomber" who sought to unleash a terrorist attack at the Los Angeles Airport was captured at our northern border with a car full of high powered explosives. This is just another example of why we must remain vigilant against terrorists plotting against all our borders and points of entry.

Congress passed a \$600 million border security bill in 2010, but this investment is only a down payment on what we really need to do. The funding, paid by fees from high tech companies, has only amounted to \$61 million since August. That means the executive branch is collecting about \$6.8 million each month. If that rate were to continue, we'll only have \$325.4 million collected over four years. That's just 54% of the \$600 million investment that we promised the American people. And, unfortunately, this funding does nothing to complete a double layer fence in badly needed areas.

The 2010 border bill also didn't address Operation Streamline, a program that charges individuals who have crossed the border illegally with a misdemeanor and those who re-enter after deportation with significant jail time. Operation Streamline, a fast-track program, resolves a federal criminal case with prison and deportation consequences in approximately two days or less. This program can serve as a deterrent against future illegal immigration in existing Border Patrol sectors.

Also ignored is the exit-entry control system that was mandated in 1996 to track every foreign national who arrives and departs the United States. Since then, due in part to the recommendations put forth by the 9/11 Commission, Congress has called on the Department of Homeland Security to develop a system that matches biometric information of an alien against relevant watch lists and immigration information. This biometric data is also supposed to be compared against manifest information collected by air carriers so that the federal government can confirm that foreign nationals have departed the country as required. After fifteen years and several serious terrorist attacks against citizens of the United States, administration after administration has failed to fully implement a biometric air exit system. It is unacceptable that progress on the exit portion of US-VISIT has stalled despite congressional funding and several pilot projects.

The President has touted the success of the previous administration's achievement in doubling the Border Patrol, and this Congress is committed to maintaining these levels of personnel. But, I'm seriously concerned about the President's mixed message, saying that a legalization program is in the best interest of our economy and our security. Secretary Napolitano touts this

Administration's record number of deportations, but even the Washington Post disputed these figures, alleging they cooked the books to make them appear enforcement-minded. While I realize this is a hearing focused on border issues, I hope Mr. Morton will address the fuzzy math and so-called record statistics, and share with members the challenges his officers face in enforcing the laws on the books when aliens bypass our border patrol.

Again, thank you for holding this hearing today. I look forward to hearing from our witnesses.