

**Statement of
Senator Susan M. Collins**

“Securing the Border: Progress at the Federal Level”

May 4, 2011

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I am pleased that Secretary Napolitano is before our Committee again. With the welcome news that Osama bin Laden has been killed, I want to join the Chairman in thanking everyone involved, especially the Navy SEALs who bravely carried out this mission, and the many other members of our military, intelligence, and homeland security forces whom we may never know. This was the kind of successful collaboration of intelligence and operational aspects that we envisioned in reforming our capabilities and intelligence community in the wake of the attacks of 9-11-01.

This successful operation demonstrates the importance of sharing of intelligence information across the agency silos -- the opposite of our disjointed pre-September 11 experience.

I appreciate that the Department of Homeland Security immediately issued a Situational Awareness Alert to key state and local homeland security officials and law enforcement personnel at midnight on Sunday sharing intelligence information and including a call for heightened vigilance.

Today's hearing is particularly timely. Border security is critical not only to prevent individuals from entering the U.S. illegally for whatever reason, but also to stop -- at the border, at the visa issuing post, or on the U.S. bound flight -- those determined to harm us.

The first two hearings in this series emphasized the challenges along the Southwest Border, while earlier the Committee held a hearing on the Northern Border. When we consider the Southwest region, we should all pause to honor the sacrifice of Border Patrol Agent Brian Terry, who was murdered last December, and ICE Agent Jaime Zapata, who was killed by members of a drug cartel in February.

These fallen heroes and the horrific news reports continuing to stream out of Mexico reveal the brutality of the cartels. Recently, nearly 300 bodies were discovered in mass graves -- some just 90 miles from Brownsville, Texas.

Just last month, FBI Director Robert Mueller observed that “drug cartels transport kilos of cocaine and marijuana, gangs kidnap and murder innocent civilians; traffickers smuggle human cargo; and corrupt public officials line their pockets by looking the other way.” He concluded that, taken together, these issues “constitute a threat not only to the safety of our border communities, but to the security of the entire country.”

This backdrop explains why many were perplexed to hear Security Napolitano state in late March that security on the southern U.S. border is “better now than it ever has been” and that violence from neighboring Mexico has not edged north.

The National Border Patrol Council, the union representing Border Patrol agents, has countered that crime indeed is spilling over from Mexico. They point to the murder of three Border Patrol agents by the cartels in the last three years, ranchers and citizens who have been gunned down in border communities, and the Phoenix area which has risen to become a cartel-related crime hotspot. The Council concluded: “The U.S.-Mexico border is unsafe and to say anything else is not true.”

While the Secretary’s data on apprehensions on the border are useful, there are contributing factors that should not be ignored when we look at the numbers about declining interdictions.

For instance, are some of the declining numbers a result of our slow economy? Is the persistent cartel violence deterring others? To put it bluntly, individuals will not be arrested at the border, or north of it, if they are too frightened to run a gauntlet of terror that may end in a mass grave.

These and other factors should be considered as we evaluate the effectiveness of the Administration’s policies.

While the Southwest Border is much more likely to make the evening news, we must not forget the Northern Border. According to a report released by the GAO earlier this year, the Border Patrol was aware of all illegal border crossings on only 25 percent of the 4,000-mile Northern Border. The Border Patrol was able to make an immediate arrest on less than 2 percent or 69 miles of the 4,000 mile border. This is especially troubling, because, as GAO has observed: “DHS reports that the terrorist threat on the northern border is higher [than the southern border], given the large expanse of area with limited law enforcement coverage.”

The Administration’s proposal to limit Operation Stonegarden to the Southwest Border is ill-advised and has been rejected by Congress. Operation Stonegarden grants should be used to help secure both our Northern and

Southern Borders by funding joint operations between the Border Patrol and state and local law enforcement. These joint operations can act as a force multiplier in areas that would otherwise be unguarded.

To cite one example of the program's success from my state, Stonegarden funds were instrumental in the arrest and conviction of an individual involved in smuggling cash. During a Stonegarden Operation, a Fort Kent, Maine, police officer caught this criminal attempting to smuggle \$137,000 across the border. The officer was patrolling an area well outside Fort Kent, where he would not have been patrolling without Stonegarden funding.

Finally, the effort to secure our borders is not limited to the borders themselves. It involves preventing those who would do us harm from reaching our shores in the first place, as well as interior enforcement of the immigration laws. For this reason, two recent GAO reports are cause for concern.

One report examined the Visa Security Program, which deploys ICE Special Agents to foreign visa issuing posts to help identify terrorist and criminal threats. According to the report, the U.S. has VSP offices at only 19 of the 57 high-risk posts. The report also found ongoing turf battles between ICE and the State Department's Diplomatic Security at some consular posts.

According to another GAO report released yesterday, ICE should do a better job identifying the people in the United States who have illegally stayed past the date of their visa expiration.

According to the Pew Hispanic Center, there are an estimated 12 million individuals here illegally, and between four million and 5.5 million of those came here legally, but their visas have since expired. I understand that only three percent of ICE efforts are focused on this group of illegal residents. That seems insufficient and shortsighted as more than a third of all unauthorized residents fall into that category.

I look forward to a robust discussion on these and other issues and thank the Secretary for being here today.

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