



United States Senate

Committee on Homeland Security and Governmental Affairs

Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement of Chairman Joseph Lieberman
“Securing the Border: Progress at the Local Level”
Homeland Security and Governmental Affairs Committee
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Welcome everybody to this hearing, “Securing the Border: Progress at the Federal Level.” This is the third in a series of hearings we’ve been having on border security, focused particularly on our southern border, but just as history changed on 9/11/01, history had a turning point on Sunday with the killing of Osama bin Laden. I would be remiss not to say a word of thank you to you, Madam Secretary, and all the people who work with you in the Department of Homeland Security, and to all the people in the security sector of our government who performed so brilliantly, bravely, and together to bring about the extraordinary results that were achieved Sunday in Pakistan.

The teamwork that was so pervasive in the successful assault on that compound in Pakistan is precisely what this committee hoped for when we worked so hard, first to establish the Department of Homeland Security in 2002, and then to introduce and bring forth the legislation that created the 9/11 Commission, and then to consider in two phases and advance through the committee, and ultimately to enactment, their recommendations. I think all of us are both very grateful and very proud of the work that was done. Since this is the first opportunity I’ve had to see you in public, I want to thank you and ask you to thank all those who work with you. I hope you’ll say a few words about that in your opening statement.

As good as we feel about what happened Sunday in Pakistan and as much as we know it makes us safer, and the world safer, we know the war against Islamist terrorism is not over. The enemy is still out there and will continue to try and attack us here at home.

Let me come back to the topic of the day. The security of our borders in all its manifestations is important. One of the great achievements since 9/11 is the extent to which we have secured our borders against those who would come in to do us harm. The focus of these hearings has been on a different kind of border security, related to illegal immigration, but also to the drug cartel violence in Mexico, and the extent to which it may come over our border into the United States. In this regard, too, I want to thank you for all you’ve done. You have faced really significant challenges, both in terms of all kinds of border security and, of course, natural disasters. You’ve handled your job with real strength and effectiveness and common sense and I appreciate it.

Witnesses at two previous hearings on border security largely agreed that the situation along the southern border has improved significantly over the past decade. The best statistics available bear this out. The one that seems to be most commonly used is that apprehensions of illegal aliens along the border are down 73 percent since 2000, the lowest levels in three decades.

This is good news. But we spent a fair amount of time in previous hearings on the metrics, the statistics. We know they’re just a piece of the picture and can be misleading. At different times, for example, the Border Patrol has cited increases in apprehensions as proof of progress, but other times decreases in apprehensions, on the theory that the fewer people trying to get over into the U.S., the fewer the apprehensions. We have got to try our best to know how many people are actually trying to cross over the border and compare that to the number of

those who succeed. I understand the Border Patrol has been trying to collect this information through footprints, video footage, and sensors, but that its methods are not 100 percent up to the challenge. It's a difficult challenge, because we're trying to measure the people who we have not apprehended. I hope you will find ways to improve the collection of this information and consider making it public so we can more accurately assess the extent of the problem and our progress on it.

The second point that has come out of these hearings is that the focus on the southern border has often overshadowed vulnerabilities that continue elsewhere in our immigration enforcement system. One statistic which reveals such a vulnerability--and would be very surprising to most Americans--is the fact that 40 percent of undocumented immigrants -- illegal aliens - living and working in the United States today, illegally, came into this country legally and then over-stayed the terms of their visas. So in terms of the problem of illegal immigration, about 40 percent of the problem is not people who come over the border and into our country illegally. It is people who have come in legally and stayed. This both undercuts the legitimacy of the law that we have about temporary visas and also threatens our security.

The most illustrative number to me still comes from the 9/11 Commission, which reminds us five of the terrorists who attacked the United States on 9/11 entered the U.S. legally and then intentionally overstayed their visas. In 2009, Hosam Maher Husein Smadi, arrested in Dallas, on suspicion of planning terrorist attacks, was originally on the United States on a student visa and then overstayed.

A new GAO report, which just came out yesterday, concludes that of the roughly 400 people who have been convicted of any terrorism-related crimes since September 11, 36 had overstayed their visas. In other words, almost 10 percent of the people who have been convicted of terrorism related activities in the decade since 9/11 were legal immigrants who overstayed their visas and became illegal.

Despite a lot of congressional effort and DHS effort, we still lack an exit system that will effectively identify people who have overstayed their visas in real time. The reality is that U.S. VISIT - the DHS program that is supposed to identify visa overstays based on visitor entry and exit information - remains a troubled and ineffective program.

DHS officials have told the Committee that U.S. VISIT processes less than half of all potential overstays identified by automated matching of entry and exit records, and GAO, in this just-released report, found that the program has an overall backlog of 1.6 million potential overstay records that have not yet been processed. I'm sure part of this is that we haven't given you the resources to do this, but it's a real problem.

Identifying individuals who overstay is a crucial component of securing our borders and making our immigration system credible and real to the law. It is simply unacceptable that we are still unable to systematically identify people who overstay.

I ask you, Secretary Napolitano, to update the Committee today on current efforts within the Department to close this dangerous vulnerability.

One final point. As we began this series of hearings on border security, I had the goal of dealing with the current state of border security, how are we doing at keeping our borders secure, particularly with regards to illegal immigration. The presumption was border security could lead not only to better border security, but to building a political consensus to deal with the continuing problem of illegal immigration. It seems to me now that the inverse is also true - that there are forms of smart immigration reform that also can enhance border security, or there are kinds of smart immigration reform that can significantly reduce the flow of illegal immigrants into America.

Senator Collins?