

*The Honorable Loretta Sanchez (D-CA)*  
*Chairwoman*  
*Subcommittee on Border, Maritime, and Global Counterterrorism*  
*Committee on Homeland Security*

*Markup on H.R. 1726, H.R. 1517 and H.R. 3239*  
*July 22, 2009*

*Opening Statement, as prepared*

Today, the Subcommittee will consider a range of homeland security bills that will make positive policy changes within the Department of Homeland Security and assert our role as the Committee of primary jurisdiction over DHS.

I introduced H.R. 1726, the bipartisan Border Security Search and Accountability Act of 2009, in the 110<sup>th</sup> Congress and again this Congress. This bill preserves the Department of Homeland Security's broad authority to search individuals and their belongings at our borders, while setting standards to protect travelers' privacy. In short, the bill strikes the right balance between security and civil liberties by requiring DHS to engage the American public and undertake an open rulemaking process. H.R. 1726 has the support of the National Business Travel Association, which has submitted a letter of support for the bill. Without objection, their letter will be inserted at the appropriate point in the record.

The second bill before us today is H.R. 3239, which was introduced by Rep. Kirkpatrick of Arizona, to focus attention on the border security implications of the Merida Initiative. I am pleased to be an original cosponsor of this bill to require the Secretary of Homeland Security to report to Congress on the effects the Merida Initiative on:

- enhancing border security
- reducing the potential for border violence
- and preventing the illicit flow of arms and bulk cash across the border between the United States and Mexico.

Consideration of this bill today marks the first time this Committee will have the opportunity to consider legislation related to this critical \$1.3 billion program in which the Department of Homeland Security plays a large role, especially in relation to Mexico. I have personally talked to Secretary Napolitano about my interest in conducting oversight of the Merida Initiative.

I thank the gentlelady from Arizona for authoring this legislation and for her leadership on border issues. I look forward to continuing to work with her on this and other homeland security matters.

The third and final bill before us today is H.R. 1517, introduced by Rep. Engel of New York and Ranking Member King. H.R. 1517 would give the CBP Commissioner the authority to convert approximately 35 overseas employees into permanent civil service positions. These employees were hired by the Immigration and Naturalization Service under "limited overseas appointment" authority. This bill, championed on this Committee by Ranking Member King, has bipartisan support.

Additionally, it is supported by CBP and the National Treasury Employees Union, which represents the employees in question. One outstanding issue for this group is whether they will be required to rotate back to the U.S. after five years, which is a general CBP policy.

However, implementation of this policy on these employees could potentially have a very disruptive impact on their lives, as many have spent decades at these foreign posts.

I want to highlight the fact that CBP has the discretion to waive the rotation policy and I strongly urge CBP to work with the State Department, the employees, and their representatives to find a mutually agreeable resolution. I understand that conversations are underway on this issue. This Subcommittee will continue to monitor these discussions and is open to addressing this issue legislatively, as this bill moves forward, should it be necessary.