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Wyden Statement at Finance Committee Hearing on Nomination of Kevin McAleenan to Lead CBP

As Prepared for Delivery

I want to begin by thanking you for being here today. In my view, you're a highly-qualified nominee, and I appreciate your willingness to take on a tough job as Commissioner of U.S. Customs and Border Protection. I also want to thank you for working with me to increase staffing at the Port of Portland to accommodate the airport's growth as a destination for international flights, including a new flight from Mexico which I hope will be finalized soon. Portland's struggle with adequate staffing illustrates the acute need to hire more blue uniforms to enforce our trade laws and facilitate travel. I hope that is something you will continue to focus on.

There are two specific issues I want to touch on in my opening remarks today with respect to CBP. The first is trade enforcement.

This administration has talked a tough game when it comes to trade, but its record to date has not lived up to that talk. In my view, if you're genuinely serious about getting trade done right, step one is vigorously enforcing the laws on the books. Customs and Border Protection is on the front line of that effort.

Last year, the Trade Facilitation and Trade Enforcement Act was signed into law. The Finance Committee wrote that legislation because it was clear the trade enforcement mission at CBP was getting short shrift, and that was a major threat to red-white-and-blue jobs.

Our legislation was all about making sure CBP was fast enough and equipped to keep up with modern-day trade cheats, who are determined to undercut American workers by evading our trade laws. A lot of good work was done to put those tools into effect in the months after the bill was signed, but it seems like many of those efforts have stalled under this president. That needs to change. Trade enforcement is about constant vigilance and staying ahead of the new tactics used by trade cheats to get around our laws.

But when I look at the administration's plans for CBP, once again it seems trade enforcement is an afterthought. The White House seems a lot more focused on throwing money at a border patrol army and prototypes for a border wall that may never get built. Trade enforcement is going to fall by the wayside and jobs will disappear if the administration stays on this course.

It doesn't matter what kind of deals you propose or what laws you put on the books if you're not serious about enforcing them.

There's a lot of work for Mr. McAleenan, from rooting out products made with forced labor, to preventing trade in illegally-harvested timber and wildlife, to protecting the health and safety of consumers who use imported products. I look forward to working with him to make sure that CBP is effectively enforcing our trade laws on those issues and more.

The second topic I want to address this morning deals with searches at the border. There has been an onslaught of reports this year about Americans being stopped at the border and forced to unlock their personal electronic devices for inspections that clearly invade personal privacy.

Senator Paul and I introduced a bill in April called the Protecting Data at the Border Act. Our bill requires law enforcement to get a warrant before searching a device at the border, and it comes with strong protections to let Americans know when and how they consent to having their devices searched.

In my judgement, this ought to be a commonsense step, especially since the Supreme Court has already ruled that law enforcement needs a warrant to search a phone after an arrest.

Bottom line, our constitutional rights do not disappear at the border. So I'm looking forward to addressing this issue in questions.

As I wrap up, let me again thank you, Mr. McAleenan, for joining the Committee today and being willing to serve. You are a strong nominee and I look forward to hearing your plans for the agency if confirmed.

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