



Opening Statement of Sen. Chuck Grassley  
Hearing, Nomination of Alan Bersin to be  
Commissioner of Customs, U.S. Department of Homeland Security  
Thursday, May 13, 2010

Today, the Committee meets to consider President Obama's nomination of Alan Bersin to be Commissioner of Customs in the Department of Homeland Security. I'd like to welcome Commissioner Bersin to the Finance Committee. I would also like to welcome his family and friends who are present.

This hearing serves to reinforce the role that the United States Senate, and the Finance Committee in particular, serves with respect to Presidential nominations. I hope the Administration learns from this hearing that the advice and consent role of the Senate is not something to be taken lightly, and that the due diligence undertaken by the Committee is not something to be simply brushed aside.

The nominee was recess appointed on March 27, despite knowledge by the Administration that the Finance Committee, on a bipartisan basis, had serious concerns with respect to conflicting information pertaining to the proper documentation of domestic staff hired by the nominee. A Finance Committee memo on these issues has been prepared, and I ask unanimous consent that this memo, with attachments, be printed in the hearing record.

U.S. Customs and Border Protection, also known as CBP, plays a crucial role at our nation's borders. The agency is charged with the dual mission of protecting our homeland and facilitating the legitimate flow of international trade. There are over 57,000 employees within CBP, and the agency enforces laws related to over 40 government agencies. In fiscal year 2009, CBP processed \$1.7 trillion worth of imported goods and collected about \$30 billion in duties and fees.

As a result, decisions made by the Commissioner of Customs have a vast impact on the economic welfare of our nation. This is of particular importance at a time when our economic security is increasingly dependent upon international trade.

And, that's why it's imperative that the proper balance be struck between the agency's dual responsibilities. For several years now, I've been concerned that the agency's customs revenue and commercial functions have not been sufficiently prioritized.

It's important that Commissioner Bersin restore the right balance. For example, full implementation of the Automated Commercial Environment and the International Trade Data System are critical to facilitating trade flows. Yet, the development of these systems is significantly behind schedule and over budget. I look forward to hearing how the Commissioner intends to get implementation back on track.

Another concern I would like to raise is the level of consultation between CBP and congressional oversight committees, as well as consultation between CBP and other federal agencies. Over the past few years there have been three instances in which CBP issued a preliminary ruling without consulting appropriately, and as a result, CBP was forced to withdraw or suspend its rulemaking. I want to hear from the Commissioner whether he shares this concern, and if so, how he will address it as a priority.

Finally, I would note that last year Senator Baucus and I introduced the Customs Facilitation and Trade Enforcement Reauthorization Act of 2009, to reauthorize CBP and reprioritize its trade functions. I look forward to hearing from Commissioner Bersin his views on our bill, and I hope to see the Committee consider this legislation in a markup before the August recess.