

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2017

TUESDAY, MARCH 8, 2016

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2:35 p.m., in room SD-138, Dirksen Senate Office Building, Hon. John Hoeven (chairman) presiding.
Present: Senators Hoeven, Cassidy, Shaheen, and Tester.

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

STATEMENT OF KEVIN K. MCALEENAN, DEPUTY COMMISSIONER

OPENING STATEMENT OF SENATOR JOHN HOEVEN

Senator HOEVEN. I will now call this hearing of the Department of Homeland Security Appropriations Subcommittee together. I would like to thank Ranking Member Senator Sheehan for joining me, also Senator Tester. Senator Cassidy will be back shortly, and I think there will be some others joining us as well. But I would like to thank both Deputy Directors for Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) for being here today. Welcome, gentlemen. We look forward to your testimony.

We will have opening statements by those Senators that wish to make them, and then I will ask for your opening statements as well, and then we will proceed to 5-minute rounds for questions.

I want to again welcome our witnesses, Kevin McAleenan, the Deputy Commissioner of Customs and Border Protection; and Daniel Ragsdale, the Deputy Director of Immigration and Customs Enforcement.

Last year, the subcommittee appropriated almost \$17 billion for CBP and ICE. Despite the many strategic investments we have made, the Department still needs to do more so that we have the metrics necessary to ensure the funds are being spent effectively to deliver mission results. So that is the first focus for me today. We will discuss how your agencies are measuring performance and using metrics to inform the resources that you have requested.

By some measures, your agencies are doing less with more, but we must look at the challenges of immigration and border protection in a broader context and work to improve existing programs. In part, due to the President's Executive actions, ICE removed over

80,000 fewer aliens in 2015 than were removed in 2014, even as ICE's budget increased by more than \$700 million.

Detention beds are a key tool in facilitating removal, yet the 2017 request cuts the number of beds by 3,000 from the 34,000 beds funded in 2016. Yet your current average is over 33,000 beds now, so how will that be adequate?

CBP apprehended 149,534 fewer people crossing the border illegally in 2015, even as the CBP budget increased by \$300 million. This could be a good-news story of fewer aliens coming across. However, the Department of Homeland Security (DHS) has not been able to clearly tell the story, and that is why good metrics are essential. We need to be able to measure our performance on the border.

If CBP catches people and ICE does not send them home, it undermines the existing law and sends the wrong message abroad. Instead of deterring illegal immigration, people will continue to try to come illegally.

Second, ICE and CBP have significant roles in vetting travelers to the United States, and we hope to learn more about those activities today as well. These vetting operations have come a long way since 9/11, yet the threats we continue to face make these programs an essential part of the Nation's national security posture. We must constantly reassess and improve our processes. As one example, I want to hear about progress being made in implementing recent changes to Visa Waiver Program requirements.

Last month, your agencies played pivotal roles in facilitating legitimate trade and enforcing our Nation's customs laws. Two weeks ago, the customs bill was signed into law. I worked to include a provision to ensure that our farmers, in this case our honey producers, receive the compensation they deserve from unfair trade practices by foreign competitors. Today, I look forward to learning more about when CBP will implement the changes in law, including those that benefit these farmers and domestic companies. And I hope to hear more about your agency's efforts in the whole trade enforcement area.

In closing, I know that your officers and agents are working hard to carry out your important missions, and I want to be sure that they have the resources they need. To make the Department's 2017 budget work, we are going to be looking for savings where we can, and we will work with you as we move forward to write the best bill possible.

With that, I turn to Senator Shaheen for any opening remarks you might have.

STATEMENT OF SENATOR JEANNE SHAHEEN

Senator SHAHEEN. Thank you, Mr. Chairman.

And let me add my welcome to Deputy Commission McAleenan, and he is the Deputy Commissioner of the Customs and Border Protection agency. And I also want to welcome Deputy Director Ragsdale, who is the Deputy Director of the Immigration and Customs Enforcement agency. And I deliberately used the full names of those agencies because sometimes I think when we use the acronyms so often, we forget what they stand for.

Along with the Transportation Security Administration (TSA), CBP is really the face of homeland security, and it is the agency with whom most of the American people interact on a daily basis. Its dual roles are to secure the border from illegal entry and at the same time facilitate legitimate trade and travel. And something that I think is not well known is that next to the IRS, the Internal Revenue Service, CBP is the largest revenue-raiser for the American Government because of the tariffs it charges and the duties it collects on legally traded goods and services.

ICE is the second-largest investigative agency in the Federal Government and the Department of Homeland Security's primary investigative arm. Now, while most people envision detention and removal of undocumented aliens when they think of ICE, I think it is important to point out that ICE also plays a major role in protecting children from cyber exploitation, cracking down on human smuggling, trafficking, and money laundering, as well as preventing the export of dual-use weapons technology to international bad actors, some very important responsibilities.

Over the past few years, both CBP and ICE have experienced difficulties in hiring that have resulted in more work being handled by fewer staff. For instance, CBP has had ambitious hiring goals for both its customs officers and border patrol agents, but these goals have yet to be realized. Similarly, for ICE this committee has provided additional funding to hire new investigators, but many of these positions remain unfilled years later.

So I look forward to hearing more about the challenges that both of your agencies face as you try and aggressively increase staffing at both agencies.

And before I close, I would be remiss if I did not mention one of the things that I have been working on that is critical to the work that both of you do, and that has to do with interdicting the flow of illicit drugs that come across the border. Senator Hoeven and I had a chance to go down to our southern border last spring, and I remember very clearly being in Laredo watching the CBP agents with their drug-sniffing dogs, who were at the border interdicting drugs and hearing from one of the agents that the drugs that come into the United States are going up the interstates through the middle of the country. They come up Interstate 35 and up Interstate 95, and that is how they arrive in New Hampshire and northern New England. So the work that you all do is very critical in that respect, and making sure that you have the resources you need is a priority of mine.

So I look forward to hearing from both of you as you discuss the challenges and the budgets that your agencies are presenting today.

Thank you, Mr. Chairman.

Senator HOEVEN. Thank you, Senator Shaheen.

And now, we will turn to our witnesses for their opening comments. Deputy Commission, if you would like to start.

SUMMARY STATEMENT OF KEVIN K. MCALEENAN

Mr. MCALEENAN. Thank you, Mr. Chairman.

Chairman Hoeven, Ranking Member Shaheen, and members of the subcommittee that are coming back, thank you for the oppor-

tunity to appear before you today. It is an honor to represent U.S. Customs and Border Protection.

As America's unified border security agency, CBP protects the United States against terrorist threats and the illegal entry of inadmissible persons and contraband, while facilitating lawful trade and travel. I am extremely proud of CBP's dedicated frontline personnel, who over the past year have advanced CBP's situational awareness of the border environment, improved our ability to interdict threats, and who continue to fulfill this agency's critical mission, including responding to humanitarian challenges, with integrity and commitment.

The fiscal year 2017 budget request of \$13.9 billion enables CBP to continue our efforts to support our frontline personnel, implement new technologies, and expand our public-private partnerships. Key components of our efforts to optimize resources, facilitate the flow of low-risk lawful trade and travel, and free our officers and agents to focus on high-risk cargo in illicit border crossers.

Thanks to the critical resources provided by this committee, today, CBP continues to achieve greater situational awareness, greater mobility, and greater effectiveness in detecting and interdicting threats crossing and approaching our northern, southern, and coastal borders and ports of entry.

Countering the threat of foreign terrorist fighters traveling to the United States is our highest priority and the focus of multiple recent security enhancements in our programs and targeting efforts. With support from this committee, CBP is expanding counter network operations at the National Targeting Center. This capability advances our understanding of the increasingly sophisticated and diffuse networks that comprise terrorist groups and transnational criminal organizations directly supporting our border security mission and enhancing information-sharing with interagency and international partners.

We will focus this powerful approach on the greatest threats to our border from terrorist travel and financing to organizations harming our communities by trafficking heroin and other narcotics to human smugglers preying upon children and families desperate to reach a safer place to trade violators that would seek to undermine the American economy.

We are also expanding preclearance operations with a goal to pre-clear 33 percent of U.S.-bound air travel by 2024. Preclearance places our most valuable counterterrorism assets, our trained law enforcement personnel, in a position to address threats before they board aircraft destined for the United States while increasing capacity and facilitating travel to the United States.

I would like to thank this subcommittee for the recent statutory changes that significantly improve the reimbursement mechanism to fund CBP's preclearance operations and allows CBP to expand preclearance without diverting appropriated resources.

We will continue our efforts to develop meaningful performance measures to demonstrate the significant improvements we have made in border security. We recognize this committee's focus on achieving agreed metrics that inform an outcome-based approach and believe that these metrics will enable more analytically sound decisionmaking within CBP.

CBP is also making multiple institutional changes to increase CBP's operational agility, effectiveness, and accountability. Last fall, the Commissioner announced that CBP would be realigning the agency's headquarter structure to better support our frontline personnel in fulfilling CBP's critical mission. We look forward to working with this subcommittee on these changes, which will emphasize effective and efficient decision-making, improved resource management, and right sizing the span of control for our senior leaders.

The realignment is pragmatic and is focused on our organizational ability to support the front line, to identify requirements and acquire solutions to hire and retain personnel and to streamline process flows and create efficiencies for the agency. Improvements in these areas will not only benefit CBP and the Department but will also provide the transparency and accountability that we have pledged to our employees, stakeholders, Congress, and the American people.

Thank you again for the opportunity to testify today and for your steadfast support of U.S. Customs and Border Protection. I am happy to answer your questions.

[The statement follows:]

PREPARED STATEMENT OF KEVIN K. MCALEENAN

INTRODUCTION

Chairman Hoeven, Ranking Member Shaheen, members of the subcommittee, it is an honor to appear before you today. As America's unified border agency, U.S. Customs and Border Protection (CBP) protects the United States against terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful travel and trade. CBP works tirelessly to deter illicit trafficking in people, drugs, illegal weapons, and money, while promoting the flow of cross-border commerce and tourism. CBP achieves its complex mission using a combination of talented and dedicated personnel, intelligence-driven and risk-based strategies, advanced technology, and collaborative partnerships.

The border environment in which CBP works is dynamic and requires continual adaptation to respond to emerging threats and rapidly changing conditions. I am proud of CBP's dedicated men and women, who have advanced CBP's situational awareness of the border environment, and who continue to meet these challenges with integrity and commitment.

Last year the Commissioner announced the CBP Vision and Strategy 2020, CBP's first comprehensive strategic plan for our agency in nearly a decade. The plan acknowledges the complexity of the CBP mission in an increasingly global border environment and provides a roadmap for the way forward by focusing efforts on collaboration, innovation, and integration in meeting our mission goals to:

- combat terrorism and transnational crime;
- advance comprehensive border security and border management;
- enhance U.S. economic competitiveness by enabling trade and travel; and
- promote organizational integration, innovation, and agility.

The last mission goal listed above—promote organizational integration, innovation, and agility—applies throughout the broad scope of CBP's mission, programs, and operations. To this end, we have made multiple changes and much progress in the last year as we restructure our fiscal, operational, and institutional management to better align our resources with our missions.

We have been a key participant in Secretary Johnson's Unity of Effort initiative, which aims to change the way the Department of Homeland Security (DHS) makes decisions within the Department and conducts operations. As part of this initiative, CBP is the sponsoring component for DHS Joint Task Force (JTF)-West and a participating component in JTF-East and JTF-Investigations. The JTFs, launched by DHS in early 2015, are strategically guided by the Southern Border and Approaches Campaign Plan, which enhances the Department's operational approach to addressing comprehensive threat environments in a unified, integrated way. CBP has also been an active participant in the Joint Requirements Council. The Council consists

of senior leaders from DHS components, and is organized in order to identify and recommend investments to maximize efficiency and enhance mission capabilities.

To promote organizational efficiencies within CBP, last fall the Commissioner announced that CBP would be realigning the agency's headquarters structure to better support our personnel in fulfilling CBP's critical mission. We look forward to working with this subcommittee on these changes, which will emphasize delegation of authority, more defined and accountable decisionmaking, and improved span of control for management. While CBP's operational offices—Office of Field Operations (OFO), U.S. Border Patrol (USBP), Air and Marine Operations (AMO), and the Office of International Trade (OT)—will remain as they are today, the new structure will identify and address our most critical infrastructure and support issues and challenges. We will measure the success of this effort by our ability to support the front lines—our ability to identify requirements and acquire solutions, to hire personnel, and to manage resources effectively. CBP's realignment will allow us to streamline process flows and create efficiencies for the agency.

The dedicated men and women of CBP are truly our greatest resource and I am pleased to share with you some of our progress in addressing frontline recruitment and hiring challenges. We've recently established a National Frontline and Hiring Program Management Office to implement specific actions that address frontline challenges. This includes a National Frontline Recruitment Command (NFRCC), comprised of uniformed agents and officers as well as Human Resources Management (HRM) personnel to provide support and expertise to OFO, USBP, and AMO field recruitment offices. We have started traditional and military hiring hub pilots to expedite groups of applicants through the hiring process by compressing multiple process steps in one location over the course of 2 days. The hiring hub pilots are demonstrating a time reduction of over 60 percent by consolidating the interview, polygraph, and provisional clearance adjudication steps. We have also enhanced our engagement with the Department of Defense (DOD) to increase our efforts to hire transitioning service members and veterans. Recruitment and hiring process improvements, such as opening multiple job opportunity announcements for vacancies, have proven to be effective in increasing the number of applications received for CBP frontline positions. In fiscal year 2015, CBP's recruitment efforts resulted in over 100,000 new applicants for frontline positions. We also made several improvements to our processes that have reduced our time-to-hire. For example, in fiscal year 2015, we added additional nurses and streamlined the medical forms to reduce the pre-employment medical processing time by an average of 43 days. These initiatives focus on making the hiring process more efficient and effective by streamlining the process and ensuring CBP attracts the talented and diverse workforce required to accomplish our mission now and in the future.

We also recognize the importance of retaining our law enforcement personnel. Over the last year, we have made significant progress in compensation reform with Congress' passage of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113-227), which provides stability to agent pay. The new Border Patrol overtime system was implemented in January 2016, as required by the law. Additionally, we are pursuing legislative changes to Law Enforcement Availability Pay (LEAP) for our Air and Marine interdiction agents to ensure equitable compensation for all of AMO law enforcement personnel.

In moving forward with these important initiatives, as with all of CBP's daily activities, the American people place enormous trust and confidence in CBP to keep them safe. To ensure this trust, the Commissioner and I are committed to the highest levels of transparency and accountability in all our programs, activities, and operations.

Today, I will discuss how CBP is using the resources provided by Congress efficiently and effectively, and demonstrate how the President's fiscal year 2017 budget request supports CBP's continued commitment to keeping terrorists and their weapons out of the United States, securing the border, and facilitating lawful international trade and travel. The fiscal year 2017 budget request commits resources to maintain the right balance of people, technology, and infrastructure in each of our mission areas.

SECURING AMERICA'S BORDERS

Along the over 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and approximately 95,000 miles of shoreline, CBP is responsible for preventing the illegal movement of people and contraband at and in between the Ports of Entry (POEs). CBP's Border Patrol and Air and Marine agents patrol our Nation's borders and associated airspace and maritime approaches to prevent illegal entry of people and goods into the United States. CBP officers (CBPOs) and agri-

culture specialists are multi-disciplined and perform the full range of inspection, intelligence analysis, examination, and law enforcement activities relating to the arrival and departure of persons, conveyances, and merchandise at air, land, and sea POEs.

Thanks to this subcommittee's support, the Nation's long-term investment in border security has produced significant and positive results in fiscal year 2015. Border Patrol apprehensions—which are an indicator of total attempts to cross the border illegally—totaled 337,117 nationwide in fiscal year 2015, compared to 486,651 in fiscal year 2014. This represents a 30-percent decline in the last year and almost 80 percent below its most recent peak in fiscal year 2000. However, this is not the only way we are quantifying an overall decline in illegal entries. CBP is supporting a DHS-wide effort to develop outcome-based border security metrics, which will help us improve management of operations and investment decisions. CBP officers and agents also played a critical counter-narcotics role, resulting in the seizure or disruption of more than 3.3 million pounds of narcotics in fiscal year 2015. In addition, the agency seized more than \$129 million in unreported currency through targeted enforcement operations.

CBP secures our borders through the coordinated use of integrated assets to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and contraband toward or across the borders of the United States. CBP continues to implement intelligence-driven strategies focused on areas of greatest risk. CBP deploys its capabilities to align with threats along the border and adapt to threats as they change.

Response to Unaccompanied Children

During fiscal year 2014, the U.S. Government experienced an unprecedented increase in the number of unaccompanied children (UC) crossing the Southwest border, compared to previous years. The surge created a resource challenge for CBP and other Federal partners responsible for responding to the urgent humanitarian situation. For fiscal year 2016, through January 31, 2016, USBP has apprehended over 20,000 UC crossing the Southwest border, compared to approximately 10,000 UC apprehensions during the same time period in fiscal year 2015.

Although the numbers have recently declined, UC flows are fluctuating and CBP anticipates seasonal increases throughout fiscal year 2016 and into fiscal year 2017. For fiscal year 2017, CBP requests resources to support a revised baseline of 75,000 UC apprehensions as well as a contingency fund should arrivals exceed prior year levels. This program increase will allow CBP personnel to continue focusing on border strategies and provide for the health and safety of higher volumes of UC crossing the Southwest border. Working closely with our DHS and Department of Health and Human Services (HHS) partners, CBP continues to ensure the safe detection, care, and transfer of this unique and vulnerable population in accordance with the William Wilberforce Trafficking Victims Protection Reauthorization Act (Public Law 110-457) and other legal obligations.

Investments in Mobile Tactical Equipment

CBP's border security mission regularly requires agents and officers to operate in diverse and remote locations where tactical communication, transportation, and surveillance capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement agents and officers. For agents and officers operating in remote areas, their radio is often their only means of communication to coordinate activities or request assistance. For the USBP, radios are the single most essential piece of equipment for frontline agents—an agent may not deploy to the field without a functioning radio.

CBP operates and maintains a tactical radio inventory of over 70,000 personal and vehicle units. However, because some of CBP's radios were purchased as far back as 1992, the manufacturers no longer make parts and many do not have adequate security voice encryption. CBP's budget request seeks \$54.6 million for the acquisition of modern and secure radio and satellite communication technology that would provide communication reliability and security for CBP frontline law enforcement and flexibility for agents and officers to communicate with State and local law enforcement agencies as well as Mexican authorities.

Vehicles are another essential tool for frontline agent operations and safety. By 2017, over half of the USBP vehicle fleet will be at least 5 years old.¹ Recapitalizing the fleet will not only help agents operate in remote and rugged locations by improving reliability and safety, but it will save on maintenance and fuel costs. CBP requests a total of \$60.3 million to maintain and operate the Border Patrol fleet,

¹The General Services Administration recommended vehicle replacement standard is 5 years.

which would replace 1,599 vehicles, or approximately 10 percent of the USBP vehicle fleet.

CBP's frontline personnel are, and will continue to be, our greatest resource in our mission to secure our Nation's borders. The budget requests authority to achieve an onboard Border Patrol agent target of 21,070 agents in fiscal year 2017. This target reflects realistic agent hiring expectations for fiscal year 2017 and will allow CBP to invest in critical mission readiness tactical equipment for existing frontline agents and officers. These investments, to include recapitalizing aging radios and vehicles, will enable agents to respond to and resolve incidents and incursions more efficiently, effectively and safely.

Technology Investments Between Ports of Entry

The fiscal year 2017 budget request will also enable the continued deployment of proven, effective technology to strengthen border security operations between the ports—in the land, air, and maritime environments. With the deployment of fixed and mobile surveillance capabilities, CBP can gain situational awareness remotely, direct a response team to the best interdiction location, and warn them of any additional danger otherwise unknown along the way. Technology investments are critical to CBP's risk-based operational strategy. Thanks to this subcommittee's support of CBP's technology investments, CBP gains greater situational awareness, can determine activity levels along the borders, monitor evolving threat patterns, and strategically deploy assets.

CBP's Tactical Aerostats and Re-locatable Towers program, originally part of the Department of Defense (DOD) Re-use program, uses a mix of aerostats, towers, cameras, and radars to provide USBP with advanced surveillance capability over a wide area. This capability has proven to be a vital asset in increasing CBP's ability to detect, identify, classify, and track illegal activity. As of December 2015, USBP agents, with the assistance of existing aerostats and re-locatable towers, seized 122 tons of narcotics, and caught over 50,000 illegal border crossers detected in aerostat locations. CBP's budget request includes a total of \$33.5 million, which includes an increase of \$25.7 million above the Tactical Aerostats baseline of \$7.8 million to fund continued operations and maintenance costs for this capability, which significantly enhances USBP situational awareness in the operational environment.

Another proven border security technology, Integrated Fixed Towers (IFT) assists USBP agents in detecting, tracking, identifying, and classifying items of interest along our Nation's borders through a series of fixed surveillance towers and equipment that display information on workstations in command and control centers. Thanks to the support of this subcommittee, the Consolidated Appropriations Act of 2016 (Public Law 114-113) provided development and deployment funding to begin expanding IFT coverage beyond the Nogales Area of Responsibility to the Douglas and Sonoita Areas of Responsibility. CBP's fiscal year 2017 budget request includes a total of \$52.1 million to support the replacement of Block 1 systems with IFT in the Tucson/Casa Grande and Ajo Areas of Responsibility along the U.S. border with Arizona. Replacing Block 1 with IFT will increase USBP's situational awareness of cross-border activity, replace obsolete technology, decrease operations and maintenance costs, and mitigate the concurrent operation of numerous systems.

Investments in Air and Marine Capabilities

CBP's comprehensive border security operations include the use of coordinated and integrated air and marine capabilities to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. During fiscal year 2015, CBP's Air and Marine Operations contributed to 4,485 arrests and the apprehension of 51,130 individuals, as well as the interdiction of 213,000 pounds of cocaine in the transit zone.

CBP's layered approach to border security relies on a variety of resources, including fixed wing, rotary, and unmanned aircraft systems in the air domain, and patrol and interdiction vessels in the maritime environment. These assets provide critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel and multi-domain awareness for the Department of Homeland Security.

CBP's fiscal year 2017 budget request seeks \$14.8 million to support the UH-60 Black Hawk helicopter procurement program that takes a more cost-efficient approach to recapitalization, using the Army's hospital variant of the UH-60L. Black Hawks are critical to border security operations, being the only helicopters that are capable of carrying eight agents with full gear and are rugged enough to support interdiction and life-saving operations in diverse and harsh environments—including

ing those at high altitudes in the desert, over open water, and in extreme cold—and in dangerous situations.

The King Air (KA)-350CER Multi-role Enforcement Aircraft (MEA) is another highly capable and adaptable air asset in CBP's fleet of tactical aircraft. CBP's fiscal year 2017 budget request includes \$51.0 million to procure two MEA. Unlike older single-mission assets, these aircraft provide increased flight endurance, marine search radar, an infrared camera system, and a satellite communications system contributing to apprehensions and seizures along the border from both the land and sea. Among other benefits, this aircraft allows CBP to respond to go-fast vessels that are attempting to reach the southern coast of California and deposit bulk cocaine for distribution inland.

As we continue to deploy border surveillance technology and other operational assets, particularly along the Southwest border, the subcommittee's support of these investments allows CBP the flexibility to shift more officers and agents from detection duties to interdiction of illegal activities on our borders. The fiscal year 2017 budget supports CBP's border security mission by increasing and enhancing border security technology including mobile assets, air and marine capabilities, and initiatives to increase efficiency and effectiveness.

SECURING AND EXPEDITING TRADE AND TRAVEL

At our Nation's 328 land, air, and sea POEs, CBP prevents dangerous people and contraband from entering the United States, while facilitating the legal flow of international trade and travel by using a combination of personnel, technology, intelligence, risk information, targeting, and international cooperation. CBP extends the U.S. zone of security beyond our physical borders through bilateral cooperation with other nations, private-sector partnerships, expanded targeting, and advance scrutiny of information on people and goods seeking to enter this country.

CBP also has the responsibility to enhance the Nation's economic competitiveness and security by efficiently and effectively processing goods and people across U.S. borders. This is crucial to promoting job growth and helping the private sector remain globally competitive today and in the future. With the support of this subcommittee and through the deployment of critical frontline resources, enhanced business processes, and advanced technologies, CBP is streamlining the processing of lawful trade and travel, and promoting the growth of the U.S. economy.

Securing Travel and Trade

At POEs in fiscal year 2015, CBPOs arrested 8,246 individuals wanted for serious crimes and stopped 225,342 inadmissible aliens from entering the United States through POEs, an increase of 14 percent from fiscal year 2014. Grounds for inadmissibility include immigration violations, criminal violations, and national security concerns. Also, protecting the economy and America's food and agricultural production and industry, CBP's agriculture specialists seized 1.6 million prohibited plant materials, meat, and animal byproducts, and intercepted more than 171,000 dangerous pests such as the khapra beetle, one of the world's most destructive pests of grain products and seeds.

CBP is continually refining our risk-based strategy and layered approach to security, extending our borders outward, and focusing our resources on the greatest risks to interdict threats before they reach the United States. In response to the potential threat posed by the Islamic State of Iraq and the Levant (ISIL), other terrorist groups, foreign fighters, and their supporters, DHS is continually evaluating and strengthening travel security operations and programs—such as the Visa Waiver Program (VWP)—to increase our ability to identify, and prevent the international travel of, those individuals or groups that wish to do us harm.

On December 18, 2015, the President signed into law the Consolidated Appropriations Act of 2016 (Public Law 114-113), which includes the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (the Act). The Act codifies new VWP requirements, including provisions that require individuals who have traveled to certain countries to apply for a visa. CBP, in coordination with DHS, has taken several steps to implement the changes required by the December legislation. Individuals seeking to travel under the VWP must submit applications to the Electronic System for Travel Authorization (ESTA). On January 21, 2016, CBP began denying new Electronic System for Travel Authorization (ESTA) applications and revoking valid ESTAs for individuals who indicated holding dual nationality with Iran, Iraq, Sudan, or Syria. More than 17,000 ESTAs have been denied or revoked to date. Beginning January 13, 2016, CBP also initiated a protocol to identify

ESTA holders with travel to one of the four countries,² to conduct secondary screening, and revoke ESTAs for future travel if travel is confirmed and the government and military exceptions do not apply. Finally, CBP began notifying VWP travelers of the e-passport change³ in November 2015 and will enforce the mandatory use of e-passports for all VWP travel by the legislative deadline of April 2016.

Thanks to the work of this committee, CBP was appropriated start-up funding in fiscal year 2015 and fiscal year 2016 for the Electronic Visa Update System (EVUS)—a pilot intended to collect biographic information from designated non-immigrant visa holders, before he or she initiates travel to the United States, during the life of the visa validity. The system will reassess the traveler's information and continue to determine if they remain admissible to the United States. EVUS will operate similarly to the ESTA system and will assist CBP in determining whether such travel poses a law enforcement or security risk by validation through selected law enforcement databases. We will be working with Congress throughout the year to secure the authority to spend the fees we collect from this system. The fees collected will be used to further the support of the system development, network and network security, fee collection and processing, the EVUS Information Call Center, and EVUS staffing. The fee associated with the program is intended to maintain the program in future years.

CBP's travel and trade security operations use a risk-based approach, applying rigorous information analysis and targeting to identify the greatest threats and risks. CBP's fiscal year 2017 budget request includes an increase of \$4.5 million to expand staffing at CBP's National Targeting Center (NTC). The NTC operates 24 hours a day with the mission of collaborating with Federal, State, local, and international partners to effectively identify, target, screen, and interdict inbound and outbound passengers and cargo across all international modes of transportation that pose a threat to national security, public safety, agriculture, lawful trade, and safe travel. Effective targeting and interdiction prevents inadmissible high-risk passengers, cargo, and agriculture/bioterrorism threats from actually reaching U.S. POEs, thereby extending our border security initiatives outward and making our borders the last line of defense rather than the first line of defense.

Thanks to the support of this subcommittee, the Consolidated Appropriations Act of 2016 (Public Law 114–113) provided necessary funds for CBP to initiate counter network operations within the NTC. The newly established Counter Network Division's (CND) mission is to support CBP, DHS, and the interagency law enforcement and intelligence communities in developing an interoperable counter network process that provides a comprehensive understanding of emerging threats. This analysis will enhance our understanding of illicit networks (terrorism, human smuggling, narcotics, and illicit trade/finance) and illuminate opportunities for CBP or partners to disrupt their operating environments and ultimately dismantle them.

Focusing on securing the global supply chain and leveraging NTC and CND capabilities, CBP's budget request includes \$1.0 million to expand trade targeting through the Trade Intelligence and Counter Networks Initiative. This initiative would enhance CBP's strategic trade targeting capabilities to quickly detect, deter, and disrupt high-risk financial and illicit trade networks and combat criminal organizations that illegally exploit American trade. This initiative is critical to ensuring a level playing field for American industry and hard-working Americans everywhere.

On May 29, 2015, DHS Security Secretary Johnson announced DHS's intent to enter into negotiations to expand air preclearance operations to 10 new foreign airports, located in nine separate countries. These countries represent some of the busiest last points of departure to the United States—in 2014, nearly 20 million passengers traveled from these 10 airports to the United States. Preclearance allows for the complete inspection process and security screening to occur on foreign soil prior to boarding a direct flight to the United States thereby obviating the need for further CBP processing or TSA security screening upon arrival. This enhances border and aviation security, reduces wait times, increases capacity for airlines, and

²On February 18, 2016, DHS announced the addition of Libya, Somalia, and Yemen to the list of countries of concern, limiting VWP travel for certain individuals who have traveled to these countries since March 1, 2011. The three additional countries designated join Iran, Iraq, Sudan, and Syria as countries subject to restrictions for VWP travel for certain individuals.

³On August 6, 2015, DHS introduced a number of additional security enhancements to the VWP, including enhanced traveler vetting, information sharing, and other security requirements for VWP countries to further address any potential threat. The August 2015 enhancements also introduced a requirement for all VWP travelers to use electronic passports (e-passports) for travel to the United States. Currently, citizens of the 27 countries designated into the VWP before 2007 may use a machine-readable non-biometric passport if that passport was issued before October 26, 2006, and is still valid.

allows the United States and our international partners to jointly identify and address threats at the earliest possible point. More than 16 million individuals traveled through one of CBP's preclearance locations in Canada, Ireland, the Caribbean, or the United Arab Emirates in fiscal year 2015, and our goal is to process 33 percent of U.S.-bound air travelers through preclearance by 2024.

All new preclearance locations will be funded through a combination of user fees and reimbursements from foreign airport operators, to the extent allowed by law. Thanks to the support of this subcommittee as well as the Senate Finance and House Ways and Means Committees, recent statutory changes significantly improved the reimbursement mechanism CBP may use to fund preclearance operations. H.R. 644, the Trade Enforcement and Trade Facilitation Act of 2015,⁴ signed by the President just last week, gives CBP authority to accept advance payments, charge airport operators for initial costs, and authorizes up-front funding for preclearance operations. The Consolidated Appropriations Act of 2016 (Public Law 114–113) provided this up-front appropriation that CBP may use to cover the costs of preclearance operations until reimbursements are collected. These changes will allow CBP to expand preclearance as planned without diverting appropriated funds from other activities. CBP expects the first preclearance expansion location to begin operations in fiscal year 2017.

The fiscal year 2017 President's budget proposes the transfer of the Office of Biometric Identity Management (OBIM) from the National Protection and Programs Directorate (NPPD) to CBP. This transfer will add responsibility for providing enterprise-level biometric identity services to DHS and its mission partners in order to advance informed decisionmaking by producing accurate, timely, and high assurance biometric data and analysis. In fiscal year 2015, OBIM processed over 95 million total transactions from domestic OBIM partners. These transactions identified approximately 3 million watchlist matches and identified nearly 184,000 known or suspected terrorist matches. Today, DHS manages an entry/exit system in the air and sea environments using biometric and biographic components that identify overstays. With the recent support of Congress in the Consolidated Appropriations Act of 2016 (Public Law 114–113), DHS is continuing to move forward in further developing a biometric exit system that can be integrated in the current architecture.

As part of our commitment to deploying innovative technologies to enhance homeland security while facilitating international travel, CBP has recently started expanding biometric technology pilots at air and land POEs. On January 19, 2016, CBP began using facial comparison technology at John F. Kennedy International Airport⁵ to help verify a traveler entering the United States matches the passport presented. CBP has also started testing biometric technology for travelers departing the United States at the Otay Mesa⁶ pedestrian crossing. Improved technology for comparing entries and exits will enhance CBP's ability to secure the border, identify visa overstays, identify persons of interest, and improve reporting and analysis of international visitors to the United States. While implementation of a robust and efficient biometric solution will take time, DHS is aggressively evaluating emerging biometric technologies and working closely with our domestic and international stakeholders to find solutions that protect the integrity of our visa system, minimize disruptions to travel, prove to be cost-effective, and provide sufficient flexibility to address both current and future requirements.

Expediting Travel and Trade

CBP supports the President's National Travel and Tourism Strategy to expand the Nation's ability to attract and welcome international visitors while maintaining the highest standards of security. CBP officers welcomed more than 382 million travelers at air, land, and sea ports of entry in fiscal year 2015. More than 112 million international travelers arrived at U.S. airports, an increase of 5.1 percent from the previous fiscal year.

With the strong support of this subcommittee, CBP continues to expand trusted traveler programs, such as Global Entry, and continues to provide international travel security and facilitation benefits. Global Entry allows for expedited clearance of pre-approved, low-risk travelers. Currently available at 46 U.S. airports and 13 preclearance locations, Global Entry streamlines the screening process at airports

⁴As of February 26, 2016, the Trade Enforcement and Trade Facilitation Act of 2015 has not been assigned a Public Law number.

⁵Expansion of Biometric Technology: Facial Comparison at JFK: <http://www.cbp.gov/newsroom/national-media-release/2016-01-19-000000/cbp-use-facial-comparison-technology-john-f>

⁶CBP to begin biometric exit testing at Otay Mesa POE <http://www.cbp.gov/newsroom/local-media-release/2016-02-11-000000/cbp-begin-biometric-exit-testing-otay-mesa-port-entry>

for trusted travelers. The program has more than 2.5 million members enrolled now, and CBP receives approximately 70,000 new applications for Global Entry each month. This past December, CBP expanded Global Entry to citizens of the United Kingdom.⁷

Also with the strong support of this subcommittee, CBP is completing the development of core ACE capabilities. CBP's budget request includes \$83.9 million to sustain the operations and maintenance efforts associated with the ACE acquisition program. In fiscal year 2017 ACE will be operating at full operational capacity, thereby requiring less overall sustainment costs for the program. When fully operational, ACE will result in the private sector using just one portal for transmitting electronic information about imports and exports for 47 government agencies, eliminating over 200 different forms and streamlining trade processes.

Cross-border trade also increased in fiscal year 2015, with CBP processing more than \$2.4 trillion in trade and collecting more than \$46 billion in revenue. In fiscal year 2015, CBP processed more than \$1.5 trillion worth of U.S. exported goods and 26.3 million cargo containers. In fiscal year 2015, CBP conducted more than 28,839 seizures of goods that violated intellectual property rights, with a total retail value of more than \$1 billion—thereby protecting American innovation.

CBP recognizes how critical our trade enforcement and facilitation role is in protecting our Nation's economic security. We are working to ensure a fair and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. trade law. In fiscal year 2015, we supported domestic producers of products ranging from steel plates to solar panels to crawfish by collecting \$1.7 billion in cash deposits to secure anti-dumping duties. We continually seek to develop and implement ways to improve our business processes and strengthen our engagement with our international and private-sector partners. To this end, the request for \$1.25 million to fund CBP's Sharpening Trade Expertise initiative will ensure that the CBP workforce is equipped with the necessary skills and knowledge to proactively enforce our trade laws and facilitate lawful trade in a rapidly evolving global trade environment.

On January 12, 2016, Mexican Secretary of Finance and Public Credit Luis Videgaray and the Commissioner met in Mesa de Otay, Tijuana, Mexico, to inaugurate the U.S.-Mexico Cargo Pre-Inspection Program pilot.⁸ Under the Program, certain cargo is to be pre-inspected in Mexico prior to crossing the border into the United States in an effort to improve the flow of trade as well as reduce border wait times and transaction costs. These pre-inspection pilots are a tangible example of the shared commitment between the United States and Mexico to promote economic growth and prosperity between the two countries connected by more than just a shared border. In 2016, we anticipate the inauguration of a third pre-inspection pilot in San Jeronimo, Mexico.

Also, thanks to the support of the subcommittee, this past December, CBP announced a milestone toward fulfilling the agency's initiative to enhance industry-specific collaboration with the expansion of the Apparel, Footwear, and Textiles (AFT) Center of Excellence and Expertise.⁹ The Centers reflect the true spirit of collaboration between CBP and our trade stakeholders, reducing transactional costs, increasing consistency and predictability, and enhancing our ability to identify high-risk commercial importations. The expanded AFT is now CBP's hub for more than 67,000 importers of clothing, shoes, and raw materials.

Availability of frontline law enforcement at our Nation's POEs is also critical to achieving both our trade security and facilitation responsibilities. CBP proposes backfilling a limited amount of CBPO attrition with CBP Technicians, which will allow existing CBPO personnel to focus their time on law enforcement responsibilities rather than administrative functions. This proposal will help to ensure that the right personnel are focused on the right jobs, increase efficiency of POE operations, and will also generate efficiencies in the amount of \$2.5 million.

INTEGRATED OPERATIONS

CBP's commitment to risk-based, intelligence-driven operations enables us to focus resources on a wide array of diverse threats ranging from networks of terrorism and transnational crime to individuals attempting illegal entry; from the illicit movement of weapons to the introduction of agricultural pests and diseases;

⁷ Expansion of Global Entry to UK Citizens <http://www.cbp.gov/newsroom/national-media-release/2015-11-03-000000/cbp-announces-expansion-global-entry-uk-citizens>

⁸ Pre-Inspection Program Pilot at Mesa de Otay <http://www.cbp.gov/newsroom/national-media-release/2016-01-12-000000/cbp-commissioner-inaugurates-cargo-pre-inspection>

⁹ Expansion of Apparel, Footwear, and Textiles Center: <http://www.cbp.gov/newsroom/national-media-release/2015-12-16-000000/us-customs-and-border-protection-announces>

from trafficking in drugs, weapons, and human trafficking to the transit of prohibited, restricted, and unsafe goods. CBP's application of risk management principles has enabled sound, timely operational planning and focused tactical execution against these diverse threats. CBP will continue to evolve our integrated risk management approach to remain agile and adaptable in supporting operational priorities.

As part of CBP's evolving intelligence-driven strategy, in June, the Commissioner announced the movement of the Counterintelligence Program from the Office of Internal Affairs to the Office of Intelligence (OI). The transfer of the management and operations of this program will further align CBP's intelligence capabilities with those of the Department of Homeland Security and the U.S. Intelligence Community. By bringing together similar intelligence functions under one office, the Commissioner and I are confident that this change will amplify CBP's effectiveness in executing our intelligence mission.

CBP must anticipate and proactively react to strategic risks that impact mission accomplishment. The budget requests an increase of \$1.7 million to fund 22 positions and expand critical OI capabilities. The additional positions will augment the existing staff to support OI's ability to provide products on current threats, initiatives, and intelligence. Additionally, this support would enable CBP to develop agency-wide depth of knowledge aligned with IC functions, including Counter-Intelligence, Confidential Human Source, Security, and Training. The CBP budget request also includes \$1.0 million, to enable OI to further the implementation of the Intelligence and Targeting Center of Excellence and Expertise (ITCEE). The ITCEE provides integrated and transformative intelligence and targeting training for CBP personnel. The funding will support the establishment of a self-sustaining and cost effective curriculum design and instruction team that will be able to meet the intelligence training requirements of the CBP workforce from all operational component offices in an effective and timely manner.

The budget also requests funds to further evolve the CBP National Common Intelligence Picture (NCIP), an advanced intelligence collection and management system. The enhancements would link CBP assets and display the output in a live environment enabling CBP to see data on Transnational Criminal Organization movements on the borders in real time. NCIP allows CBP operators and analysts the ability to view all National and CBP collection assets in a seamless environment. Funding this request will reduce the processing time of intelligence gathered from sensors and transmit completed intelligence products back to frontline operations personnel within the hour.

CBP's Air and Marine Operations Center (AMOC) is a critical component of CBP's intelligence and law enforcement operations. Thanks to this subcommittee's support in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114-4), the fiscal year 2017 budget requests \$9.7 million for the annualization of the 55 provided positions to expand AMOC's capabilities in anticipating and identifying the criminal use of non-commercial air and marine conveyances, and mitigating these threats by coordinating a law enforcement response. CBP's AMOC is an international, multi-domain, Federal law enforcement center that strengthens the execution of CBP's global mission, supports investigations, and provides evidence to support prosecutions.

Use of Force

CBP's most valuable attributes in protecting the American people are the integrity and professionalism of its workforce. The agency will not be fully successful in carrying out its complex mission requirements unless it continues to earn and maintain the trust of the public it serves. CBP's renewed focus on integrity, accountability and professionalism is only as good as its commitment to exemplifying and standing by those principles.

Additionally, the pursuit of transparency and maintaining a higher standard of performance, in particular in instances where the use of force by our agents and officers is necessary, will further strengthen the public's trust in CBP. CBP continued to update its response to investigation of Use of Force incidents in fiscal year 2015 by revamping training, standing up a new review process, and expediting the disclosure of basic incident information to the public. Use of Force data, which reflect the application of use of force by Border Patrol agents, CBP officers, and Air Interdiction agents, showed a 26-percent reduction in the number of use of force incidents from the prior fiscal year. CBP publicly released these data on October 2015, and plans to update this information periodically.

CBP's Use of Force Center of Excellence has responsibility for the entire spectrum of CBP use of force programs, to include policy, training, equipment, maintenance and accountability. The budget requests an increase of \$4.2 million to provide addi-

tional Use of Force oversight and training. Elements of this request include scenario-based simulator training; enhancements to the CBP Assaults-Use of Force Tracking System (AUFRS) to increase reporting and analysis. Investments in this activity will enable CBP to better train our law enforcement personnel and increase the transparency and accountability of CBP as it relates to use of force incidents and equipment.

Our law enforcement personnel are trained to use the amount of force that is reasonable and necessary in a given situation. When agents and officers have access to less-lethal tools, they may in some instances be able to quickly control a situation in a reasonable manner that preserves human life. CBP is committed to equipping our law enforcement officers with the tools that allow for less-lethal options in an operational setting. The budget requests an increase of \$12.0 million to better equip our law enforcement personnel with properly maintained and functional weapons for field use. This request also funds less-lethal device re-certification for all CBP law enforcement personnel and establishes a national reserve of less-lethal devices to rapidly replace aging less-lethal devices.

MANAGEMENT AND ADMINISTRATION

Understanding the challenges and requirements of operating within a constantly changing environment, CBP must diligently pursue organizational efficiencies, optimized business processes, and mature functional capabilities to fully support operational needs and assure overall mission effectiveness. CBP's committed personnel and inherent culture are regarded as its most valuable resources and must be cultivated through progressive training to ensure a fully capable, integrated and collaborative agency.

Commitment to Transparency and Service to the Public

In November, as part of CBP's continued emphasis on transparency and accountability, the Commissioner announced¹⁰ his decision to expand CBP's use of cameras in and around the border environment. The camera review includes the integration of new body-worn camera testing into law enforcement operations such as checkpoints, vessel boarding and interdictions, training academies, and outbound operations at POE, as well as mobile camera options in vehicles and on marine vessels. CBP's budget request includes an increase of \$5.0 million to support requirements analysis and test and evaluation activities for the suite of camera options considered in the November 2015 CBP Body-Worn Camera Feasibility Study Report. This request will provide the first dedicated funding for body-worn cameras and other camera technology and will allow CBP to evaluate the feasibility of incorporating body-worn camera technology into CBP's law enforcement operations in each of its operational environments along the U.S. border—at and in between land POEs, in the air, and at sea.

Supporting another key aspect of my commitment to agency transparency, CBP is requesting an increase of \$3.2 million to establish a Spanish Language Capability at the CBP Information Center (CIC). A bilingual element at the CIC is a much needed capability for the agency to receive complaints, compliments, tips, and inquiries from customers whose primary language is Spanish.

And finally, in August 2014, DHS Secretary Johnson delegated to CBP the authority to investigate alleged criminal misconduct, as well as fatal or significant use of force incidents, involving CBP employees—a responsibility previously delegated to the Immigration and Customs Enforcement Office of Professional Responsibility (ICE OPR). CBP's fiscal year 2017 budget request supports an increase of \$6.9 million to hire an additional 30 criminal investigators to increase CBP's ability to investigate and resolve these matters in a comprehensive and timely manner. Increased investigative staffing will also allow for greater participation in the 22 FBI-led Border Corruption Task Forces that provide valuable criminal intelligence information on Transnational Criminal Organizations.

CONCLUSION

The security of our Nation will continue to be tested by new and emerging threats and challenges. With the support of Congress, CBP continues to secure our Nation's borders, and promote international commerce and tourism, through a multi-layered approach using a variety of tools.

CBP will continue to work with DHS and our Federal, State, local, tribal, territorial, and international partners, to strengthen border security and facilitate lawful

¹⁰ <http://www.cbp.gov/newsroom/national-media-release/2015-11-12-000000/cbp-announces-way-forward-use-body-worn-cameras>

cross-border trade and travel that is critical to our economy. We must remain vigilant and focus on refining our approach and positioning CBP's greatest capabilities to combat the greatest risks that exist today, to be prepared for emerging threats, and to overcome the challenges of securing a 21st century border.

I want to thank the members of this subcommittee for your continued strong support of CBP. Thank you for the opportunity to appear before you today. I look forward to your questions.

Senator HOEVEN. Thank you, Deputy Commissioner.
Deputy Director.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SUMMARY STATEMENT OF DANIEL RAGSDALE, DEPUTY DIRECTOR

Mr. RAGSDALE. Thank you, Chairman Hoeven, Ranking Member Shaheen, and distinguished members of the subcommittee. Thank you for the opportunity to appear before you today to present the President's fiscal year 2017 budget request for U.S. Immigration and Customs Enforcement.

First, I want to recognize the talented and hardworking women and men of ICE both domestic and foreign. They are our greatest asset, and I am impressed and humbled by their work every day. I am proud to represent them and thank you for your continued support.

I look forward to discussing our priorities for the upcoming fiscal year and highlighting our continued efforts as we make the most efficient and effective use of the resources you provide.

Because of the funding you have provided in fiscal years 2015 and 2016, the agency has again been able to hire frontline law enforcement personnel and key support staff. Because of the full-year appropriation in fiscal year 2016, we are better positioned today to focus our energy on meeting the new and ever-growing challenges to national security, border security, and public safety.

The President's request includes \$6.23 billion in total funding. This level of funding will sustain our law enforcement efforts in 2016 and enables ICE to continue its efforts in the following core areas: immigration enforcement; criminal investigations, including cyber crime; counterterrorism; and an investment in information technology needed to meet the needs of a 21st century law enforcement agency.

To support DHS's border security mission, ICE continues to respond to the influx of families and unaccompanied children apprehended crossing our southwest border. We are attacking the transnational criminal organizations that prey on this vulnerable population from both the United States and abroad. In Mexico and Central America, ICE's Transnational Criminal Investigative Units (TCIUs) comprised of foreign police officers, customs and migration officers, and prosecutors are working to dismantle these organizations who mistakenly believe they are beyond our reach.

Similarly, ICE officers stationed around the globe are building capacity with foreign partners to readily accept the return of their nationals.

To support DHS's public safety mission, ICE has worked to reestablish cooperation with a number of State and local law enforcement jurisdictions who began limiting or declining cooperation with ICE. Through the Priority Enforcement Program (PEP), ICE has

reengaged law enforcement agencies who decline to transfer removable convicted criminals or public safety threats to ICE. Since last summer, 16 of the top 25 jurisdictions who received the largest number of detainees from ICE are now participating in PEP.

Further, the President's 2017 budget request includes an additional \$6.6 million for the Criminal Alien Program. This funding would be used to hire an additional 100 officers to support the expected increases in apprehensions from the expanded implementation of PEP.

The President's request also seeks \$2.12 billion for ICE to support its current investigative efforts, as well as maintain additional special agents and investigative support staff. In the last fiscal year, ICE investigations led to the disruption or dismantlement of over 239 criminal organizations, and we made more than 33,000 criminal arrests, including more than 3,500 transnational gang members.

We also seized more than 1 million pounds of narcotics, including over 7,500 pounds of heroin. We seized \$513 million in currency and monetary instruments. Additionally, we identified and assisted more than 2,300 crime victims, including 384 trafficking victims and more than 1,000 victims of child exploitation.

To support DHS's counterterrorism mission, ICE has expanded the Visa Security Program (VSP). This program maximizes the visa application process as an important counterterrorism tool to identify terrorists, criminals, and other aliens ineligible for a visa prior to their travel to the United States. In 2015, we opened six new VSP posts, the largest single-year expansion in the history of the program. This President's request includes \$32.5 million to sustain those expansions made in 2015 and maintain current operations.

Just as important as the resources needed to fulfill ICE's enforcement and investigative missions are the tools required to carry out the agency's mission support programs. The President's request includes \$43 million to fund the deployment and modernization of ICE's information technology applications and systems infrastructure that support our frontline personnel and improves information-sharing within DHS and with our partner organizations.

ICE will continue to play a critical role in fulfilling our national security, border security, cyber, counterterrorism, and public safety missions. To that end, this request ensures that ICE has the resources to support those efforts.

Thank you again for the opportunity to testify today, and I look forward to answering your questions.

[The statement follows:]

PREPARED STATEMENT OF DANIEL H. RAGSDALE

INTRODUCTION

Chairman Hoeven, Ranking Member Shaheen, and distinguished members of the subcommittee: Thank you for the opportunity to appear before you today to present the President's fiscal year 2017 budget request for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing our priorities for the upcoming fiscal year and highlighting our continued efforts to ensure we make the most efficient and effective use of the resources you provide to carry out our critical mission.

First, let me take this opportunity to thank you and your staff for your continued support of ICE as we execute our vital homeland security mission. Because of your combined efforts to ensure that DHS was funded throughout fiscal year 2016, we

are better positioned today to focus our energy on meeting the new and ever growing challenges to national security and public safety.

I am very proud to represent the dedicated men and women of ICE. ICE promotes homeland security and public safety through broad criminal and civil enforcement of approximately 400 Federal laws governing border control, customs, trade, and immigration. The agency carries out its mission through four principal components: Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), the Office of the Principal Legal Advisor (OPLA), and Management and Administration (M&A). Additionally, the Office of Professional Responsibility (OPR) investigates allegations of administrative and criminal misconduct at ICE, and performs important inspection and oversight functions around the agency. Today, ICE has nearly 19,000 employees in all 50 States, the District of Columbia, and strategically stationed positions in 46 foreign countries world-wide.

The President's fiscal year 2017 budget request for ICE includes \$5.908 billion in discretionary funding, and is in line with the fiscal year 2016 enacted budget. Additionally, the President's budget estimates \$322 million in budget authority derived from mandatory fees, bringing total estimated spending authority to \$6.230 billion. The President's fiscal year 2017 budget request will sustain our efforts in 2016 and enable ICE to continue efforts in the following core areas: civil immigration enforcement, criminal investigations, sustaining our workforce, and investment in information technology needed to meet the security challenges of the 21st century.

ENFORCING IMMIGRATION LAWS

Our civil immigration enforcement efforts are led by the 5,900 law enforcement officers who make up ERO. These dedicated officers enforce our Nation's immigration laws by identifying aliens amenable to removal, apprehending, detaining, and removing those individuals from the United States, consistent with DHS priorities.

The Department's civil immigration enforcement priorities impact how ICE conducts removals, and they underscore a heightened focus on the greatest threats to national security, public safety, and border security. ICE focuses its resources on those who pose a threat to national security, public safety and on recent unlawful entrants.

Under the department-wide, three-tiered enforcement and removal guidance issued by the Secretary in November 2014, the top priority includes national security threats, convicted felons, gang members, and recent unlawful entrants apprehended at the border. The second-tier priority includes those convicted of significant or multiple misdemeanors and those who are not apprehended at the border, but who entered or reentered this country unlawfully after January 1, 2014. The third-tier priority consists of individuals who have failed to abide by a final order of removal issued on or after January 1, 2014.

In fiscal year 2015, ICE ERO removed a total of 235,413 undocumented immigrants, of which 98 percent fell into one of ICE's immigration enforcement priorities. Of these removals, 202,152 (86 percent) were considered Priority 1 individuals (threats to national security, border security, and public safety). Convicted criminals continue to be a focus of this agency, and I believe our fiscal year 2015 statistics demonstrate this commitment. Of the total removals in fiscal year 2015, 113,385 (48 percent) were convicted criminal aliens. More notably, 91 percent of ICE's fiscal year 2015 interior removals and returns were individuals who were previously convicted of a crime, compared to 85 percent in fiscal year 2014, and 67 percent in fiscal year 2011. These numbers clearly illustrate the agency's continued commitment to remove convicted criminals and others posing a threat to public safety in the interior of the United States, as well as individuals apprehended while attempting to unlawfully enter the United States.

The Director and I remain firmly committed to enforcing our immigration laws effectively and sensibly. However, the nature and scope of ICE's civil immigration enforcement continues to be faced with a number of significant challenges. As this committee knows well, ICE continues to respond to the influx of families and unaccompanied children without legal status who are apprehended crossing the Southwest border into the United States. Through the whole of government, we continue to address this humanitarian and border security issue in a manner that is comprehensive, coordinated, and humane. While ICE is only one of several agencies involved in the processing of unaccompanied children and families, ICE plays a critical role by quickly and safely transporting unaccompanied children from U.S. Customs and Border Protection (CBP) custody to the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR), transporting families to ICE custody at family residential centers, placing eligible adult family members on alternatives to detention and effectuating removal orders as appropriate fol-

lowing the conclusion of immigration proceedings. The President's fiscal year 2017 budget request includes \$45 million in base funding for the costs associated with the transportation of up to 75,000 unaccompanied children and up to \$12.6 million in contingency funding to handle an additional influx.

ICE's interior enforcement and removal operations also face difficulties as a result of a number of Federal court rulings, most notably *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013). *Rodriguez* applies throughout the Ninth Circuit, the Federal court jurisdiction with the largest number of individuals in removal proceedings. The ruling allows individuals who previously would have been detained without bond, including criminal aliens, to seek release on bond from immigration judges after a period of time in detention. Recently, the U.S. Court of Appeals for the Second Circuit has followed the lead of the Ninth Circuit, issuing its decision in *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. Oct. 28, 2015), which provides bond hearings after a period of time for aliens detained under the mandatory detention provisions of the Immigration and Nationality Act. If a bond is granted and the aliens released from detention, their cases are then transferred from the relatively expedited detained court docket to the non-detained court docket. Because case processing in the non-detained docket generally takes longer than processing of cases on the detained docket, the number of overall removals in a given year has decreased. The President's fiscal year 2017 request supports the annualization of fiscal year 2016 efforts to hire additional immigration attorneys to more effectively respond and process cases on the non-detained docket.

We also continue to disagree with the District Court decision in the *Flores* case, applying the 1997 settlement agreement from a case solely involving unaccompanied children to children who arrive with a parent and their subsequent processing at ICE family residential centers. The decision and resulting injunction limit the tools available to respond to flows of families without legal status apprehended after crossing into the United States. The U.S. Government has appealed the decision, and the appellate court has agreed to hear the appeal on an expedited basis. While the legal process plays out, we will continue to execute our mission in compliance with the District Court's orders. The President's fiscal year 2017 request includes \$56.5 million to fund 960 family beds. We have implemented significant reforms to how we operate our family residential centers in order to transition affected individuals to temporary processing facilities.

The President's fiscal year 2017 request also includes \$125.9 million to support the expanded use of the Alternatives to Detention (ATD) program. ATD is a cost-effective alternative to traditional detention that makes detention bed space available for those aliens posing the greatest risk to public safety or national security. We estimate that this funding level will provide for a total of 53,000 average daily ATD participants at full operating capacity in fiscal year 2017. We also anticipate that this funding will adequately accommodate those individuals who represent a low risk to public safety in families who arrive at our borders and are subsequently released from custody pending immigration court proceedings and are placed on the non-detained court docket.

ICE will continue to detain those for whom detention is currently mandated, as well as the highest risk, non-mandatory detainees with the level of bed space included in the request. To achieve this critical mission goal, ICE will ensure the most cost-effective use of our appropriated funding by focusing costly detention capabilities on priority and mandatory detainees. In addition to funding for the 960 family beds mentioned above, the President's fiscal year 2017 request also includes \$1.4 billion to fund 29,953 adult beds and \$309 million for the transportation and removal program to coordinate the safe and secure transportation of aliens who are in ICE custody or are being removed from the United States.

As this Committee is aware, another significant factor impacting operations has been the number of State and local law enforcement jurisdictions limiting or declining cooperation with ICE. When law enforcement agencies decline to transfer custody to ICE some removable convicted criminals or public safety threats, the agency must expend additional resources to locate and arrest these individuals at-large.

To address this problem, ICE implemented the Priority Enforcement Program (PEP) in July 2015 to replace the previous Secure Communities program. PEP improves the process of transferring those most dangerous individuals from State and local custody by enabling ICE to take custody of priority individuals without damaging trust with local communities. PEP is designed to be flexible, allowing ICE to tailor the program to fit the needs of each jurisdiction and achieve mutual law enforcement goals.

Throughout 2015, DHS and ICE conducted a nation-wide effort to implement PEP and promote collaboration, reaching out to thousands of local law enforcement agencies and government officials. The agency's Field Office Directors have provided

briefings about the program to over 2,000 law enforcement jurisdictions. Notably, 16 of the top 25 jurisdictions with the largest number detainees that declined to participate in Secure Communities are now participating in PEP, representing nearly half of previously declined detainees.

As ICE continues to strengthen and improve relationships with State and local law enforcement partners, we predict that more jurisdictions will participate in PEP, thereby increasing the number of convicted criminals transferred to ICE for removal and decreasing the risk to ICE officers who would otherwise need to locate these individuals. Building on these efforts, the President's fiscal year 2017 request includes an additional \$6.6 million in fiscal year 2017 for the Criminal Alien Program (CAP). This funding will be used to hire 100 officers to support expected increases in apprehensions resulting from expanded implementation of PEP. The request will enable ICE to work with State and local law enforcement to take custody of individuals who pose a danger to public safety before those individuals are released into U.S. communities.

COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

HSI is the investigative arm of ICE and conducts criminal investigations to protect the United States against terrorism and other cross border criminal activity that threaten public safety and national security, and to bring to justice those seeking to exploit our customs and immigration laws worldwide. The President's fiscal year 2017 budget request seeks \$2.12 billion for HSI to support current operational efforts in the upcoming fiscal year as well as maintain the additional special agents and investigative support staff funded in the fiscal year 2016 enacted appropriation. In its investigative capacity, HSI focuses its broad investigative authority on three operational priorities—border security, public safety, and counterterrorism/national security.

HSI investigates customs and immigration crimes, including transnational criminal organizations (TCOs) engaged in illicit activity related to export enforcement, human rights violations, narcotics, weapons and contraband smuggling, financial crimes, cybercrimes and child exploitation, human smuggling and trafficking, intellectual property theft and trade fraud, transnational gangs, and immigration document and benefit fraud. Notably, in fiscal year 2015, HSI investigations led to the disruption or dismantlement of approximately 239 TCOs. HSI made more than 33,000 criminal arrests, including more than 3,500 transnational gang members. HSI also seized more than 1.08 million pounds of narcotics, 1,479 seizures for violations of U.S. export laws and regulations, and nearly \$513 million in currency and monetary instruments. Additionally, HSI identified and assisted more than 2,300 crime victims, including 384 human trafficking victims and more than 1,000 child exploitation victims. In connection with HSI's investigations, we are also working with the Department of Labor and other agencies to ensure, for the protection of workers, the consistent enforcement of Federal labor, employment and immigration laws.

One of the top investigative priorities for ICE is human smuggling and trafficking, for which ICE possesses a full range of investigative and border-related authorities. In response to the sudden influx of unaccompanied children in fiscal year 2014, ICE initiated Operation Coyote, which was designed specifically to stem the flow of illegal Central American immigration, including that of unaccompanied minors, by targeting the human smuggling organizations that facilitate these illegal activities. HSI deployed personnel to strengthen capacity for conducting human smuggling investigations and enforcement actions, and for monitoring international conditions to enable targeted responses to the influx during the sustained operational period.

To build upon its early investigative accomplishments, HSI expanded the initiative not only across the country, but worldwide, to harness all HSI activity related to the smuggling of Central Americans into the United States. On March 23, 2015, HSI commenced Operation Coyote 2.0, which built upon the foundation set by the preceding operational activities to further evolve and enhance HSI's overall human smuggling strategy. In fiscal year 2015, the operation resulted in 876 criminal arrests, 690 indictments, and 612 convictions related to human smuggling investigations.

Terrorism remains one of the most significant threats U.S. law enforcement faces in protecting the homeland. Counterterrorism and criminal exploitation efforts seek to prevent terrorists and other criminals, such as human rights violators, from exploiting the Nation's immigration system. HSI's overstay analysis efforts provide timely, relevant, and credible information on entry, exit, and immigration overstay status of visitors to the United States in order to enhance security, facilitate legiti-

mate trade and travel, and ensure the integrity of the immigration system, as well as to protect the privacy of visitors.

HSI is the second largest contributor of Federal agents to the FBI-led Joint Terrorism Task Forces (JTTFs), which benefit from HSI agents' investigative expertise and broad enforcement authorities. ICE will continue its participation in more than 100 JTTFs supporting and complementing counterterrorism investigations with ICE's unique immigration and trade-based authorities. In addition, HSI oversees the Human Rights Violators and War Crimes Center, which fosters an agency-wide approach to pursue human rights and war crimes violators by bringing together the resources of the various U.S. Government agencies that have a role in dealing with these offenders.

Finally, HSI's Visa Security Program (VSP) maximizes the visa process as a counterterrorism tool to identify terrorists, criminals and other aliens ineligible for a visa prior to their travel or application for admission to the United States. VSP differs from other U.S. Government screening efforts in that it leverages its capabilities, such as in-person interviews and working with international law enforcement partners to investigate suspect travelers, enhance existing information, and identify previously unknown threats, instead of simply denying visas and any potential travel. In fiscal year 2015, HSI opened six new overseas VSP posts—the largest single-year expansion in the history of the program—and reviewed over 2 million visa applications, including approximately 8,600 cases in which visas were refused for a variety of reasons, including for suspected connection to terrorism or terrorist organizations. The President's fiscal year 2017 request includes \$32.5 million to sustain the expansions made in fiscal year 2015 and maintain current operations.

MAINTAINING AND SUSTAINING OUR WORKFORCE

Because of the generous funding increases ICE received in the fiscal year 2015 and fiscal year 2016 appropriations bills, the agency has been able to aggressively hire front-line operational staff and support staff. In fiscal year 2015, ICE hired 92 attorneys and 437 law enforcement officers (LEOs) to enforce our immigration laws and investigate transnational criminal organizations. Currently in fiscal year 2016, we have brought on 111 LEOs and 28 attorneys who will continue to carry out the mission of ICE. For the remainder of this year, we plan to hire approximately 750 personnel. The President's fiscal year 2017 budget request will maintain those added as a result of the fiscal year 2016 hiring efforts, and allow the agency to continue to hire to maintain operational pace.

To better inform our resource allocation and staffing needs, ICE has developed a new repeatable, evidence-based resource management approach, which employs a three-pronged strategy to tie workload resources to requirements. The Workload Staffing Model (WSM) uses workload capacity to determine appropriate staffing levels and funding requirements. WSM also allows ICE to justify its staffing requirements and models the impact those resources have on public safety and national security.

INVESTING IN INFORMATION TECHNOLOGY AND INFRASTRUCTURE

Just as important as the resources needed to fulfill ICE's enforcement and investigative missions, are the tools required to carry out the agency's operations. The President's fiscal year 2017 request includes \$43 million to fund the deployment and modernization of ICE's information technology applications, systems infrastructure that support our front-line personnel and improves information sharing with DHS and partner organizations. The funds requested will enable ICE to continue migration from the agency's legacy financial system to a shared service provider; refresh ICE's information technology infrastructure; and complete the modernization of ICE's law enforcement case management system.

The request also includes an additional \$16.1 million in fiscal year 2017 to support critical improvements in Identity, Credentials, and Access Management (ICAM), cloud support, and system bandwidth to ensure 24/7/365 availability and to meet the cybersecurity needs of ICE information technology systems, infrastructure, and services.

CONCLUSION

ICE will continue to play a critical role in fulfilling DHS's national security, border security, and public safety mission. To that end, the fiscal year 2017 request ensures ICE has the resources to support DHS-wide efforts. Thank you again for the opportunity to testify today and for your continued support of ICE and its critical national security and public safety mission. I look forward to answering any questions you have at this time.

Senator HOEVEN. Thank you, Director.

Okay. We will start with the 5-minute rounds of questioning. I see they have allocated me 10, so they are optimistic there, but I think we will go with 5.

BORDER METRICS

Commissioner McAleenan, I want to start out with measuring apprehensions on the border. CBP has long measured the number of apprehensions you make each year, but how do you understand whether from year to year the changes reflect your ability to make sure that you are apprehending those trying to come across versus fewer people trying to come across if you only measure apprehensions? So talk to me in terms of really understanding situational awareness on the border in terms of what is happening and whether you are in fact improving your apprehension rate.

Mr. MCALEENAN. Thank you, Mr. Chairman, for the question and for your comments in your opening remarks.

I think getting this problem right is a huge priority for the Secretary, for the Commissioner, and certainly for me and the Chief of the Border Patrol because we have not achieved success in a set of agreed metrics that Congress and the American people have confidence in in how we are measuring our border security. And we would like to be able to successfully convey the significant improvements we see through metrics that are peer-reviewed, that are acceptable to Congress and the public.

So you are absolutely correct. Historically, we have reported and relied on metrics like apprehensions, which is an output measure that shows how traffic is changing. It is an important baseline for us. But I think what we have been engaged in in the last 5 or 6 years is working toward a more sophisticated and telling set of metrics that really tries to get at the outcomes, identifying how many people are crossing and how many of those that we are catching or forcing to turn back.

So I think that starts with improvements in our situational awareness and really trying to convey what those improvements mean in a set of numbers that are agreed and acceptable. For instance, with the support of this committee, in our high-traffic or urban areas we have achieved a density of deployment of technology—sensors, cameras, fencing, agents—that is giving us high confidence that we are seeing the vast majority of traffic there.

In our low-traffic areas, we are using aerial detection techniques with our UAS, unmanned aerial systems, as well as other agency capability to really get a sense of what is not crossing in those low areas using change detection techniques.

But what we need to get to, and I think what you are driving at, Mr. Chairman, is a more holistic view of the outcome. What we are doing there in CBP with the data we control is using our interdiction effectiveness rate, which takes the apprehensions and those people that we have turned back and that we have seen our agents deter from crossing over the known crossings, and we have really enhanced our methodology for identifying the total known crossings. So we know we are not catching everybody, and our formula is very refined at this point in how we are capturing that data.

What this does, though, and the limitation that we want to continue to enhance is it identifies those known crossers. We would like to work with academics and outside peer-review studies to help us identify the unknown crossing as well. That is what the Secretary has asked us to do. We will be briefing your staff later this month on the initial promising results from that effort.

But I can tell you this: It supports our internal data in showing the significant trends, the reduction in total crossings, the increase in our effectiveness at identifying and interdicting those crossings, and the important gains we have made in deterring those who would cross illegally by meting out consequences to deter them from a future attempt.

So I think this is an area that you would have broad receptiveness at the Department and CBP to continue to improve, and we would like to work with you and your committee staff on those issues.

Senator HOEVEN. Well, your apprehensions dropped by 30 percent from 2014 to 2015, but we need to understand how that relates to the number of individuals who tried to cross, right, to make that a meaningful number. And, you know, we are deploying all this technology that—the ranking member and I were down there last year and saw all the new technologies you have. Like you said, unmanned and remotely piloted aircraft (RPAs), UAS, some of the technology that has been brought from the war effort in Afghanistan and Iraq.

So helicopters, FLIR, night flights, all this should start to give you a pretty good ability to evaluate, you know, how many are trying to come in and then how many you are in fact interdicting, turning back, apprehending. So when are we going to see—and obviously, this is very important information for the public to know, to understand what you are doing. When do you anticipate we are going to see these kind of metrics?

Mr. MCALEENAN. So we can provide you our internal numbers, our State of the Border metrics that include those sort of outcome estimates, our interdiction effectiveness rate now. It is challenging, as you note, to collate the results from all that surveillance technology from our agents who are working the line and capturing the number of total entries that they see. We have done that. We set it up by policy and we have captured it rigorously for the last 3 years and we are able to see changes over time and report those to you and your committee.

What we would like to do is expand our data sources to include estimates of crossings that we might have missed despite the significant deployment. Despite our ability to patrol the remote areas with aerial technology, we would like to get even better at it and more refined. And that is what we would like to continue to work with your committee on.

Senator HOEVEN. And where are we in that timeline of getting to something that you think really tells us what is going on?

Mr. MCALEENAN. I think there is some really promising analysis that has been done most specifically in the area of illegal crossing between ports of entry. It does not have the same results as our internal numbers, but it is very supportive of the same trend lines and makes sense with what we are seeing operationally. That is

what I believe is going to be presented to your team later this month.

Senator HOEVEN. Very good. Thank you.

Ranking member.

Senator SHAHEEN. Thank you.

EUROPEAN REFUGEE CRISIS

Last week, Deputy McAleenan, you were with Secretary Johnson in Turkey and you visited a refugee camp and signed two bilateral accords to codify mutual commitment to working together to combat terrorism. I wonder if you could talk a little bit about those discussions and how you discuss managing the flow of refugees fleeing ISIS and Assad and also to what extent you were able to assess Turkey's commitment to helping to address what is happening with the refugee crisis there.

Mr. MCALEENAN. Certainly. Thank you, Ranking Member Shaheen.

It was a very enlightening trip. I think it is a truism to say that if you really want to understand what is happening, you have got to go there and see and listen to the people on the ground doing the work to get a real sense of how it is being managed. And I think the Secretary, his senior team, and I came away with the sense that there is a significant commitment from our Turkish counterparts. They are under pressure from a number of different angles right now.

Almost 3 million refugees estimated to be in Turkey and many of them in camps that are largely funded by Turkish Government funding, a number of them living in their major cities and needing support from human services in those metropolitan areas. And from our perspective they were doing a very good job at organizing the response with support from the United States, with support from Europe.

And what the Secretary and the team was able to see was how our colleagues at U.S. Citizenship and Immigration Services (USCIS) are working with the United Nations High Commissioner for Refugees and with non-governmental organizations (NGOs) that are contracted by the Department of State to really vet those individuals that might be resettled in the United States.

I was very impressed with the immigration officers there for USCIS, the asylum and refugee officers, their ability to interview and question the applicants. It reminded me of our CBP officers and border patrol agents in their interviewing techniques and their capabilities to identify aspects of a story that maybe did not add up. And I thought they were really approaching their task with significant diligence, understanding the risk.

Senator SHAHEEN. I am sorry to interrupt but—

Mr. MCALEENAN. Sure.

Senator SHAHEEN [continuing]. Can I just clarify, so was much of the discussion there about those kinds of interviewing practices and how to determine which refugees might be able to relocate in the United States or other parts of the world and how much of it was around strengthening border security measures?

Mr. MCALEENAN. So I think we had two priorities, to see the DHS personnel and assets carrying out their duties, which is the

first part of that question. The second part was to really engage with the Turkish Government on how can we advance forward in our information-sharing, in our counterterrorism efforts regardless of whether an individual refugee might be settled in the United States. How can we support Turkey in its ability to address its counterterrorism threats from multiple groups, not just ISIS- and al-Qaeda-affiliated groups, but PKK, DHKP/C, which is a Marxist-Leninist group in Turkey that has also attacked the U.S. Embassy. We would like to work with them across all of those threats.

And I think the letters of intent, the one signed with the Minister of Interior, one with the Minister of Customs and Trade, really show that commitment on both sides to exchange best practices. You know, Turkey has encountered more foreign fighters attempting to enter Syria than any other—

Senator SHAHEEN. Right.

Mr. MCALEENAN [continuing]. Customs and immigration force. So they have got a lot of lessons learned from those encounters that we would like to borrow from as we share our advanced analytical capabilities, targeting tools, and technologies.

Senator SHAHEEN. So can you talk a little bit about what the follow-up to signing these agreements will be?

Mr. MCALEENAN. Absolutely. We have a series of experts, consultations, and training that is on tap for the next coming months, hoping to start really this month to really get going on some of the initiatives. We are going to be taking the next step in our watch list and information-sharing, as well as our targeting techniques, going beyond just watch-list checking and using some of the rules that we use at our National Targeting Center to support their analysis on potential foreign fighters coming in. And ideally, we could work together to vet not only U.S.-bound refugees but other populations that are coming into Turkey where they would like to check an identity and see if the U.S. Government has any information on that.

Senator SHAHEEN. And do you expect additional costs in the budget as the result of these activities?

Mr. MCALEENAN. I think within our general collaboration with State Department on capacity-building with multiple countries in Europe and elsewhere, we have funding identified for these efforts. If we develop significant additional information-sharing on refugee populations, we might be seeking additional support in future years from the committee.

Senator SHAHEEN. Thank you. Thank you, Mr. Chairman.

Senator HOEVEN. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman. I want to thank Senator Cassidy for his courtesy. Again, thank you very much.

I want to thank both of you for your service and thank the people that work with you for their service also.

CBP STAFFING

This morning, I brought up with Secretary Johnson the Port of Raymond. I am sure you have been briefed on it. They are going to cut the American side—at least there is a proposal to cut it—from 24 to 18 hours of asset. They take input from the public community, and you have, and I appreciate that.

I was told there were two reasons. I will get into the second one in a minute but the first one was that it was too hard to get folks up there, Customs and Border Protection folks up there, and it could save some money. This is not applicable, but I mean, I have heard this line from the Postal Service, for example. They said we are going to close the processing centers. It ended up costing more money. It ended up costing them \$66 million and they did it to save money.

I only bring this up because the port of entry is just one issue; border security is another. It is not like you can pull people off that border and have it secure. And so I bring that up to let you know that Prime Minister Trudeau was in town this week. Canada is our largest trading partner, continues to be, and I think any of those ports up there that are 24 hours in nature are important if we are going to maintain and increase our ability to do business with Canada. That is just a statement for the record and for you here to take it back to your folks.

[The referenced statement was not provided by press time.]

Senator TESTER. I want to talk about staffing for a second. We were told you could not get folks to get up there, and the question—and this is in the northern border, northeastern Montana, it is rural. It is frontier. The question I had is does Customs and Border Protection have a plan to hire folks to keep them up there? You are not going to hire somebody from Miami and put them on a northern border and expect them to stay there.

But as I told Jeh Johnson this morning, if your recruitment is for people—if you at least make an attempt in rural areas—and there are rural areas in North Dakota and New Hampshire and in Montana—you might be able to get folks to really want that job. These are good jobs, you know? I mean, they are good jobs. And so do you guys have a plan to hire folks to staff the northern border? Be as concise as you can.

Mr. MCALEENAN. Very concisely, yes, Senator, we do. You have identified some of the challenges we face. Our earlier attempts at the broad recruiting announcements, which had multiple locations open—

Senator TESTER. Yes.

Mr. MCALEENAN [continuing]. We were getting people applying for locations where we did not have high-priority hiring needs.

Senator TESTER. Right.

Mr. MCALEENAN. We are now focused on the southern border locations where there are vast gaps in those hard-to-fill northern border locations—

Senator TESTER. Okay.

Mr. MCALEENAN [continuing]. To augment staffing.

Senator TESTER. That is good. My recommendation would be just as I would tell any agency is go to where those people are. I mean, go to the university systems in Montana. Tell these folks you are looking for folks. The wages are good wages, man. They have got good benefits, better than most jobs in Montana, probably better than most jobs in North Dakota and New Hampshire. So you have got some recruiting tools there to use at your fingertips.

HONEY PRODUCERS

The chairman brought up honey. Are you aware of how much interest is owed to those honey producers? That is the first question.

Mr. MCALEENAN. Yes. My team is well aware——

Senator TESTER. Perfect.

Mr. MCALEENAN [continuing]. And tracking that carefully.

Senator TESTER. That is perfect. So can you tell me when you are going to start distributing the dough?

Mr. MCALEENAN. Yes, sir, by the end of this year is the plan for those settlement agreements entered into after October 2014 based on the new legislation.

Senator TESTER. So it will be fully distributed by the end of this year? The money will be fully out in the producers' hands by the end of this year?

Mr. MCALEENAN. I am told our initial distributions will begin occurring this calendar year, and we will keep the pressure on until that is completed.

Senator TESTER. I would ask that you do it ASAP. It does not matter what business you are in if money helps you stay in business. So this is money that is owed them. We should try to get it to them.

VISA WAIVER PROGRAM

I have a question about the visa program and the overstay. DHS, I do not believe, has implemented the biometric entry and exit plan yet. And your own data says about 480,000 individuals overstayed their visas last year. I mean, immigration is a huge problem. We have got some folks that are on paper—I do not know how many million we have got now, 12, 13, maybe more than that million. The question is when is this program going to be implemented, number one? And number two, are you confident if you implement this program you are going to be able to suggest to folks to go home when their visas run out?

Mr. MCALEENAN. So, number one, we have made significant advances in our biographic exit, and we have reported that. I think it was a milestone to get a report covering about 87 percent of visitors this year, and we are going to continue to improve that.

In terms of the biographic exit, the Secretary has given us a challenge of initiating implementation in 2018 at top airports, and we are going to meet that challenge. And we are aggressively piloting biometric technologies that can work within current processes with air carriers. We are hoping to pilot significant new approaches this summer with air carriers, and we have ongoing land border pilots in process.

Senator TESTER. Got you. What about everybody else? What about the folks that come across by land, by sea?

Mr. MCALEENAN. So the land border, the idea is to target those crossings where we have significant people that are what we call “in-scope,” third country nationals subject to the exit requirement, to start identifying how we can use our facilities to route those folks through just like we did, frankly, with the National Security Entry-Exit Registration System (NSEERS) not so long ago in the aftermath of 9/11. That is our first step. It is very challenging, as

you know, with the infrastructure on outbound lanes, so we have got a significant number of things that we need to work on in that set.

Senator TESTER. Well, I just—look, you guys are—I mean, you do a good job, okay? But the bottom line is if—I think this is really important. I mean, we have had an immigration debate since I got here 9 years ago. And part of that immigration debate is overstays on visas. And so if you can help us help you, please allow us to do that.

Mr. Chairman, thank you very much for your generosity on time.

Senator HOEVEN. Forty percent of the problem is visa overstays, so you are on something very important there, Senator.

Senator Cassidy.

COUNTERVAILING DUTIES

Senator CASSIDY. I am a strong supporter of the Jones Act and see it as important for many reasons, not just domestic security but also the economy of our country. And I have worked with CBP and our Offshore Marine Service Association (OMSA) on meetings regarding this. Now, what I am told by the OMSA committee, by the OMSA folks is that, although on the shelf there is enforcement of Jones Act, off the shelf there is not. Of course, this has economic consequences.

Senator CASSIDY. Here is a slide that I will submit for the record, but it speaks of U.S.-owned Jones Act compliance-ship, which pays a tax rate of 36.5 percent, 100 percent U.S. crew with U.S. compliance culture, and here is a Norwegian-owned non-Jones-Act-compliant, which has a tax rate of 0 to 15 percent with an entirely foreign crew and a non-U.S.-compliance culture. So if only for the tax rate, this becomes an important consideration. Obviously, if one is paying tax and the other is not, it is a competitive cost advantage for the ship that is not.

[The informational slide follows:]

U.S. COMPANIES DISADVANTAGED ON OUR OWN OCS

HOS 310- MPSV
U.S. Owned
Jones Act Compliant



Tax Rate 36.5%
100% US Crew
US Compliance Culture

SIEM SPEARFISH
Norwegian Owned
Not Jones Act Compliant



Tax Rate 0 - 15%
Russian, Ukrainian, Polish, Filipino Crew
Non-US Compliance Culture



Senator CASSIDY. So the OMSA folks say that in the last few years they have given 13 different episodes, which they have documented, of violations of the Jones Act. I have seen some of these videos. They have a video of a foreign flagship with the number, dated, picking up goods being moved by a lift onto the ship, and that ship is followed, and that good is seen to be offloaded in the OCS, Outer Continental Shelf.

Again, they said that 13 of such instances have been brought to your attention. Only one has actually been taken to the penalties being assessed, and 90 percent of those penalties were mitigated. So their feeling is right now if you are a company that wishes to violate the Jones Act, it is just the cost of doing business because you have less than an 8-percent chance of actually being busted, and if you get busted, then 90 percent of your penalties are going to be mitigated.

So let me first kind of run that by you, get your, you know, kind of opinion of what I just said, and then I will have some follow-ups.

Mr. MCALEENAN. Thank you, Senator. And the Jones Act, as you identified, is a very, very important tool to the security and economy, something we work to enforce vigorously, and a lot of complexity involved both with the type of movement, the type of vessel, and the type of commodity or equipment that is being moved.

I appreciate your reference to the Offshore Marine Services Association. Commissioner Kerlikowske recently met with them and got a good sense of their concerns. It is something that we are engaging our interagency partners both at the Maritime Administration (MARAD), as well as the U.S. Trade Representative, to see if there are options for kind of reviewing prior rulings and updating some

of our findings going back to 2009. In terms of complaints, we should be following up on all complaints, and we have also heard the concerns on the penalty mitigation that we are going to take very seriously.

So I think it is an important issue. I know the Commissioner has followed up, I believe, with recommendations from your office and will be continuing to engage on this with our interagency partners.

Senator CASSIDY. Now, would it be fair to say, then, to the folks who have expressed concerns about this, again kind of, as I am told, kind of a blind eye being cast to these violations, that that blind eye will not continue to be cast and that penalties will be assessed in compliance with the law but on the nature in order to persuade others not to violate the law? Is that a commitment?

Mr. MCALEENAN. That is absolutely a commitment. There will be no blind eye, and penalties will be commensurate with the violation. We cannot always promise complete agreement on the assessment of the stakeholders and the actual issue, but we will work together to be transparent and communicate how we are approaching it.

Senator CASSIDY. Okay. Well, I thank you for that answer, and I yield back.

Senator HOEVEN. Thank you, Senator.

ICE REMOVAL OPERATIONS

My next question is for Deputy Director Ragsdale, and that relates to ICE removal operations. The number of individuals removed declined from 2014 to 2015, and so my question is for ICE removal operations. Why is that, and how are you prioritizing your operations and your activities?

Mr. RAGSDALE. Thank you, Chairman, for that question.

First of all, as you know, and you have heard from Secretary Johnson, he issued a prioritization for the apprehension, detention, and removal of aliens for DHS in November of last year. ICE, of course, follows that guidance. And if we look at our detained population now and over several snapshots over the last year, over 95 percent of the folks in our detention meet the Secretary's priorities. So we are following very closely a prioritization in a descending order to have recent border crossers and criminal aliens the focus of our efforts.

As you heard from the deputy commissioner, illegal crossings are down. We are obviously a responsive organization to the frontline work at CBP in terms of not only the number of people in our detention beds but overall removal numbers.

We also, as I mentioned, have worked over the last year to make sure that as many State and local jurisdictions who are incarcerating people who are foreign-born and removable are transferred to ICE. We have, over the last year, had an accelerating challenge of having what we call—to make street arrests. It is a much more labor-intensive officer-time-intensive occupation to go and find someone as opposed to having custody transferred from one institution to ICE.

So what I would suggest is while the number of removals may be down over the course of the last couple of years, the overall crossings are down, and we do think that is a driver. And we also

would say that the prioritization for public safety of the removal of criminal aliens and recent border entrants are our number, essentially, one and two priorities, and that also was driving not so much the volume but the effectiveness and the impact of the folks we are removing.

Senator HOEVEN. What are your bottlenecks?

Mr. RAGSDALE. Well, there is one very important driver here. ICE can only remove individuals that we have a final order of removal. ICE is not the decisionmaker. DHS is not the decisionmaker. We are a customer of the Department of Justice's Office of Immigration Review. I would suggest that if you looked at the scope of the DHS enforcement capability along the border and the interior and the capability of the Executive Office for Immigration Review (EOIR) to make decisions in a timely way, there is a disconnect.

You know, we have seen, for example, in our Newark office that if we file a removal charging document called a Notice to Appear, in Newark it takes maybe 1,000 days before that case becomes ready for an initial hearing. That is a challenge for EOIR, and it is a challenge for enforcement agencies such as ICE to get decisions quickly.

We certainly want to give people due process. There are, you know, many, many reasons to honor the rule of law, and certainly, as we hold ourselves out in a global community as responsible adjudicators of immigration benefits, we certainly want to be clear about that. But I would suggest the process is slow, and that is definitely a bottleneck.

Senator HOEVEN. Is it a shortage of judges? What is the issue?

Mr. RAGSDALE. I certainly do not want to speak for them. What I will just tell you from our experience that the size of that agency and the core of immigration judges has not materially increased in terms of on-board strength over the last, probably, decade. I know they have hiring challenges as well and certainly know that their Director is, you know, heavily engaged in this discussion. But in terms of overall throughput and their number of cases that are pending, it is my understanding that their overall case docket in terms of pending cases has gone up.

Senator HOEVEN. How are you dealing with your immigration fugitive backlog? Do you have a backlog of immigration fugitives? How are you dealing with that?

Mr. RAGSDALE. So we have a facility up in Vermont that is our targeting center for fugitives and other at-large criminals. We are using all law enforcement databases, including information that is available in the public domain, to find those folks. We are obviously prioritizing them based on the counterterrorism threat, based on criminal history, so we are working very heavily on those folks, so they are absolutely part of our priorities.

ICE STAFFING

Senator HOEVEN. So I want to move to the same issue that Senator Tester brought up in regard to CBP filling slots. I mean, you have funding and authority for more Customs officers and Border Patrol agents than you have hired, and he asked the question what

are you doing to fill that backlog? What are you doing to hire and retain? Same question for you, Deputy Director, with ICE.

Mr. RAGSDALE. So——

Senator HOEVEN. What are you doing to get people in those slots so you can cover the backlog and——

Mr. RAGSDALE. Well, a couple things. First of all, the——

Senator HOEVEN [continuing]. Keep those people, too?

Mr. RAGSDALE. We love our folks. We know they are our greatest asset, and we certainly want to keep them. We put a lot of investment in them, and we certainly want to keep them.

We have done a couple of things. First of all, in spring of last year we knew we had about 1,800 people that the Congress gave us funding to hire, and by the end of the fiscal year, we had brought almost all those 1,800 people on board.

We have kept that pace into this fiscal year and done a couple of things. We know we have two bottlenecks, to use your term, in terms of having a pool of medically cleared, interviewed folks in which to draw from, and that is a function of our Human Capital program. We also have to make sure that we are doing appropriately—a background screening in terms of our suitability decisions to bring these people on board. We have not looked at sort of the throughput of both of those two organizations. We are going to make some adjustments in terms of staffing and contract support in both of those two areas.

We have also kicked off hiring fairs, essentially a one-stop shop particularly for our Enforcement and Removal Operations (ERO) law enforcement where the interview, the medical, and the screening begins. So in other words, we are not waiting for this transaction back-and-forth between the potential employee and the agency.

So we are looking very, very hard at every single one of those cycle times. I have a meeting on it every week to make sure we are going to meet our hiring goals. I understand off the top of my head that we are supposed to reach 21,067 by the end of this fiscal year, and we are going to do everything we can to hit that goal.

CBP HIRING

Senator HOEVEN. And, Deputy Commissioner, one of the big concerns with your workforce is overtime. Because you do not have all the slots filled and you are having trouble hiring and retaining, what are you going to do this year to address that?

Mr. McALEENAN. Mr. Chairman, thank you. There is really no area of our mission support efforts that is getting greater focus from the Commissioner, from myself. Like Deputy Director Ragsdale, I meet weekly with our hiring team and we have been really trying to drive this process forward.

I have various levels of detail I can go into here. I will stay in the upper level and certainly can talk about any aspects you would like to hear further, but we have confronted some significant challenges. One, our border patrol attrition has gone up significantly from a historical rate of about 3 percent. Last year, we saw 5.5 percent attrition driven by primarily two factors: agents leaving for other jobs within CBP and with other agencies merely to get to

other locations. And for other agencies, it is for pay. They wanted to maintain their administrative uncontrollable overtime (AUO).

We also went through the data breaches with Office of Personnel Management (OPM) and the USIS, which really delayed us 2 months in background investigations a year-and-a-half ago and then had to get our new contractors on board with new agreements.

We have low polygraph-clear rates and a lack of full polygraph capacity, not enough federally certified polygraphers to keep pace with the requirement, which we think is very valuable in assuring the integrity of our frontline personnel.

We are also dealing with a big change in unemployment from 9 percent to 5 percent between our last hiring surge efforts and competition with other agencies that are now aggressively hiring as well.

We also had some internal challenges, which, like Dan, we are aggressively working and fixing on recruiting and targeted recruiting and efficiency with handoffs.

So real quickly, the key techniques we are employing are hiring hubs. Instead of having our 11-step process take place sequentially across multiple offices, we are trying to condense the core of that effort into a focused multiday session in a location where we can do the interview, the polygraph, the suitability clearance, and the medical together with our applicants. That has taken an average time to hire from over a year-and-a-half down to about 160 days on average for our hiring hub applicants. We are going to continue to press that.

Enhanced recruiting, both with our veterans and with universities, as Senator Tester was referencing, that has increased the viability. We are getting a better candidate out of that process and also targeting those locations where we need them. So, for instance, our border patrol agents, we used to need 240 applicants for one successful on-boarding. We are now down to 195 to one. And our CBP officers, we had gotten under 100 to one, and we will continue that effort.

We have been to over 400 events with the Department of Defense (DOD) trying to transition the veterans directly to our workforce, see if we can have reciprocity for their medical and several steps in their process. Over 30 percent of our frontline hiring is driven by veterans transitioning, and we intend to ramp up those efforts. We have had more recruiting events in the first half of this year by 100 percent than we had in the first half of last year, and we want to continue that effort.

So a ton of work going into this. It is a big challenge. There are some societal prevailing winds, if you will, in the environment vis-à-vis law enforcement and the overall strength of the economy outside of Federal employment, but we are going to keep at it and try to improve aggressively.

Senator HOEVEN. And a very important issue for the morale of your workforce as well, so it does need your full time and attention.

And you mentioned the focus on reaching out to veterans, and I think that is a good initiative, and I strongly urge you, you know, to continue to do that.

Ranking Member Shaheen.

Senator SHAHEEN. Thank you.

I appreciate the details with which you are talking about the efforts to hire more, but given past history and given some of the challenges, do you think it is realistic to think you are going to be able to hire the number of employees that are proposed in the budget request?

Mr. MCALEENAN. In the 2017 budget request, I think so. We have tried working with your staff, with the Office of Management and Budget (OMB) to come up with a realistic estimate based on the pace of our hiring. We are getting very close to our targets with CBP officers. By the end of the year, we think we will be within a few hundred officers of our authorized.

With the border patrol agents, we are trying to arrest the attrition that is causing a decline and get that going in the right direction. And so our 2017 request reflects modest success in doing that, not our full target and goal, which we are still pursuing. So we have tried to calibrate that right. We are looking forward to hearing your team's reaction to whether we got the number right, but that is a high priority for us.

Senator SHAHEEN. I guess I would say, as much as I support and appreciate the efforts underway, I still have reservations about whether you are going to reach the numbers. And given that, what would be priorities for those funds if you cannot reach the numbers that you are hoping to, and why should we not take those dollars and use them someplace else in the budget from DHS?

Mr. MCALEENAN. I would offer, Senator, that we would have critical priorities that could advance our capability for border security and not necessarily achieve it with personnel but achieve it with technology, for instance, with surveillance technology, investments we are making.

You may have also seen in the 2017 request we have made an explicit tradeoff between 300 border patrol agents and the vehicles and radios we need to keep them safe and make them effective in carrying out their duties. That was a challenging analysis for us, but we believe, given the state of our hiring and given the need to avoid having personnel with no equipment, that we needed to make that investment. We have several other targeted investments we could make on the core technology and mobility equipment, as well as the surveillance for agents. The other place is the targeting, which extends our capability for our officers extensively.

Senator SHAHEEN. I did see the nightly news program that showed the use of forces on the southern border, which I thought was a very positive view of CBP and its efforts to be creative, so I do applaud that.

ICE HIRING

I guess I would say the same thing, Deputy Assistant Director Ragsdale, about ICE and the concerns that I have about your ability to hire. And I know that we are encouraged by some of the gains that you have made so far of this fiscal year, but my calculations are that you are approximately 2,000 people down in terms of outstanding vacancies. So what is the plan to replace those folks, and what are you looking at if you cannot do that?

Mr. RAGSDALE. So we made a real press, as I said, last year and hired about 1,800 people from March to the end of September, and we have kept that pace going. So I think the——

Senator SHAHEEN. Can I ask, though, it is my understanding that a good percentage of those people were from CBP that were hired.

Mr. RAGSDALE. So without doing violence to my partner here, it is true that when we put out both announcements for both our ERO officers and our Homeland Security Investigations (HSI) special agents, we do draw from other partners in the Department. I am happy that they stay in the family in some ways, but——

Senator SHAHEEN. Sure, but it does not get us to the bottom line that we are trying to achieve.

Mr. RAGSDALE. It does present a challenge for my colleague, I agree. So we have a range of announcements obviously both within DHS and out. We obviously rely heavily on veterans. We have several programs, our HERO program, Wounded Warriors that are also, you know, input streams.

You know, we have prioritized this. We have a smaller overall numerical challenge than CBP does. I am optimistic, particularly as I said earlier, that the men and women of ICE are our number one asset, and we know we cannot get the work done without them. But this will be a priority.

In terms of, you know, what would we do with the money, you know, hopefully, that will be a very small, small amount. You know, in terms of the ERO piece, you know the largest piece of our spending in ERO is detention beds, and that will ebb and flow. So we will certainly see what the apprehension demand is. And then for HSI, those either go into investments to, again, train and equip our folks. So all of those things are in the service in which you have appropriated them.

Senator SHAHEEN. So I know that the unemployment rate has gone down, and we all, I think, would agree that that is a good thing, but we still have a significant number of people who are no longer looking for work, who do not have the job skills that are needed. So what is the issue here in terms of—I know the process is challenging because of everything that is involved, the drug testing, all of the other testing that is involved in getting people on board, but are we not paying enough? Is it that people do not know enough about the agencies to have an interest in joining?

I mean, I know that we have lots of people in New Hampshire anyway who are interested in going to the police academy and join law enforcement. So why can we not get the number of people that we need to hire to fill these positions?

Mr. RAGSDALE. So I will just take one stab at that. You know, it is not a volume question of us getting applicants. If we put out street-level announcements, we have thousands and thousands and thousands, even tens of thousands of applicants. Suitability is an issue, and we obviously want the right people with integrity in law enforcement jobs, the solemn oath, and we certainly—you know, we take very seriously the screening process.

The challenge, I think, would be fair to say is also sort of the retention piece. At ICE, I mean, in particular in our Enforcement Removal Operations component, we do have an overtime issue with

administratively uncontrollable overtime that is an antiquated system. It is a morale problem. It is a retention problem. It is a real challenge.

You know, for the modern system that now border patrol has, and we see we are an outlier without it, that does not help not only keep folks what I will say is fully happy about their jobs but also it does not sort of represent a modern 21st century position when the law enforcement overtime is not a modern system.

So, you know, the attrition piece is as much of a challenge. I think the entry-level folks can be a managed problem, but we want to keep the folks we have invested so much in.

CBP HIRING

Senator SHAHEEN. Would you agree?

Mr. MCALEENAN. I would agree with all those points and also to your direction, I mean, it is a tremendous career. I think we need to do a better job of explaining the opportunities and the excitement around this. We have officers and agents in all 50 States, in 75 locations, in 60 countries doing all sorts of interesting, meaningful mission-related work, and that is actually the feedback we continue to get, the positive side of our surveys.

I think, as Dan alluded to, the standards are very high. We are seeing applicants with a higher degree of recreational drug use than in prior years. That is a challenge for our standards, as well as the polygraph clearance.

The other piece for CBP is the locations. We need people in remote border locations, southern and northern, and we are competing with agencies that are hiring in Fairfax, Virginia, or, you know, New York City or Nashua, New Hampshire.

So it is not as straightforward. We do need to tell our story better. I think when we did the surge for the border patrol, a really aggressive recruiting campaign, out there in the media, got a lot of excitement around the career and the interest, I think we have got to look at some of those techniques and really push the recruiting side, tell the story.

Senator SHAHEEN. I would say, though, I would echo what Senator Tester said because in northern New Hampshire where we have a point of entry, those jobs, there is a lot of interest in those jobs. In northern New Hampshire it is very difficult to find jobs that are that good, that pay that well, that have those kinds of benefits, and so there is a great deal of interest. So I would hope that we are encouraging the local population where there are job openings available to apply and looking very hard at how we can accept them in those positions.

Thank you, Mr. Chairman.

Senator HOEVEN. Senator Cassidy.

ICE DETECTION POLICY

Senator CASSIDY. If there is someone who has committed a crime who is here illegally, commits a crime, goes into—and/or as an ICE detainee or as otherwise a ward of the State or the Federal Government, I gather that when they are released from detention, even if they have committed a crime, if they have done their time, they

are not automatically deported, rather that they enter back into society. Is that correct?

Mr. RAGSDALE. So thank you for that question. Folks that ICE detains we only release if we cannot remove them. So we are not doing anything in terms of releases when we can in fact take that person with a travel document, with a final order of removal and remove them to their country of nationality.

Senator CASSIDY. Now, if, for example, they are arrested by the State of New Hampshire and they have committed a crime and they do 6 months in a New Hampshire jail or prison, they are here illegally, they are released, they are not released and deported. Rather, even if they are detained, you would need a document to deport them, correct?

Mr. RAGSDALE. So that is exactly right, Senator. So, again, ICE is not the decisionmaker—

Senator CASSIDY. I get that.

Mr. RAGSDALE [continuing]. In that context.

Senator CASSIDY. You all have made that point very well, and that has been very helpful to me. My concern is that there is a class of offenders whose record remains with them, specifically sex offenders, and that is Adam Walsh and a lot of other laws. So let us assume that either ICE releases someone from ICE detainment or a jail or prison releases someone and ICE is aware that they are here illegally but you have no papers to deport, what is your mechanism of notifying law enforcement wherever that person plans to reside that a sex offender is coming into their community?

Mr. RAGSDALE. So we have, over the last fiscal year, implemented a system we call LENS, the Law Enforcement Notification System, and we have implemented that in all 50 States. And when ICE releases a person from our detention capability to a State or local jurisdiction, we notify that State's criminal justice agency of that person being released in their community.

Senator CASSIDY. Now, let me ask—so my staff, though, tells me that LENS only speaks with the State and not with local law enforcement, so if you move him to my hometown of Baton Rouge, it is not that the East Baton Rouge Parish sheriff would be notified or the Baton Rouge Police Department (BRPD), rather the State would, and you would rely upon the State to filter that information down. Is that fair?

Mr. RAGSDALE. So, sir, that is exactly right. However, just based on sort of the sharing of what I will say is criminal information history and other biometrics, it is done what I will say is with the architecture you have described, but we are working, hopefully by the end of this fiscal year or early into next fiscal year, to have the LENS speak directly to the Baton Rouge sheriff that you have described. So, in other words, we will sort of be eliminating one level of that processing, that there is a direct connectivity between the LENS and the State and local jurisdiction.

Senator CASSIDY. And that was my concern because, as I gathered, not every State has a sex offender registry, which presumably means that every State does not necessarily have the seamless communication where like that the local police department is notified that of which the State knows. And so by this you are saying you will communicate on multiple levels simultaneously?

Mr. RAGSDALE. So that is correct. And the aperture is much broader than just sex offenders. These are people with criminal records that run a range of offenses. So the principle is really quite simple, which is, you know, to the extent we have to release people and there is some law or court decision or the fact that we cannot remove them we have to do that, we obviously want to share as much information with our partners as we can.

Senator CASSIDY. Now, let me ask, and let me even go back to the beginning basis of this, and given the statistic I have from the Center for Immigration Studies is that there are about 36,000 criminal convicted aliens freed from ICE custody in the previous year. Many have multiple convictions. Of this 36,000, there are nearly 88,000 convictions. Why is it so hard to deport someone who has got, in some cases, multiple offenses? Knowing that you are not the decision-maker, can you tell me, what is the holdup of a judge saying, boom, you are out of here? Do you see what I am saying?

Mr. RAGSDALE. I surely do. What I can tell you is that number fell to under 20,000 for fiscal year 2015. It was a little over 19,000 releases. So we have certainly, you know, tightened our internal processes in terms of folks that we will attempt to detain. But, you know, whether it is the Ninth Circuit, the First Circuit, the Third Circuit, there have been Federal court decisions, there have been challenges in habeas corpus proceedings essentially challenging immigration detention. The authority we have to detain folks is attendant to removal. So if there is not a removal order from an immigration judge, we—

Senator CASSIDY. But that is not what I am asking. It almost seems like Kafka is here. I mean, we have got somebody who we know has committed a crime, who is here illegally, but somehow there is not the coordination between—let us assume that they are incarcerated in a local jail or prison, a State prison. It just seems like, 6 months before they were to be released, you would begin proceedings in order to deport them in.

Mr. RAGSDALE. So we absolutely do that, sir. For decades we have had that program. And in fact, we have also what I will say is expanded our relationship with the Bureau of Prisons that every single person who comes out of the Bureau of Prisons who is a criminal alien comes to ICE and we screen and to make sure that the removal process should not what I will say is take precedence over what could be an old criminal charge where there is a warrant that is pending. So we have solved that problem.

All I can say is, as I said earlier, I think there is a throughput challenge within the Executive Office of Immigration Review, the immigration courts, and as a, you know, non-decision-maker in this process, I certainly would argue on their behalf that speedier adjudications on the folks in the population you have described in particular would be time and effort well spent.

Senator CASSIDY. You are being incredibly diplomatic. I feel like there is another story we could have if it was off the record. So I will buy you a beer one time and we will have a conversation. I will buy you a six-pack, two six-packs.

[Laughter.]

Senator CASSIDY. I yield back. Thank you.

Senator HOEVEN. I want to talk about detention beds, and so I will direct this to Director Ragsdale. You are reducing the total number of detention beds. And now, you just got done talking about PEP, or the Priority Enforcement Program, but for that to work you need to have those beds. And so given that you are actually reducing below your current census, how are you going to manage that, and how are you going to make PEP work as well as, you know, these other programs you have been talking about for your removal operations?

Mr. RAGSDALE. Well, so thank you for that question, Mr. Chairman. A couple things, which, first of all, you know, we know that, again, with the length of time it takes for immigration judges to make decisions, there is essentially an increased throughput in our detention beds. In other words, the number of folks who go through immigration proceedings while in detention is roughly about 10 percent of the active cases.

So we are trying to calculate what we will need in terms of detention based on flows across our border, releases from jails and institutions, and some level of seasonality. So you noted earlier that the number had been higher earlier in the year but then by mid-January that number was back down to around 31,000. We expect to see that number fall as the weather gets warmer in the Southwest and the yearly average to be essentially in line with what we have asked.

As I said, you know, in the Ninth Circuit in particular with the Rodriguez decision, we have a presumptive period of holding someone for 6 months regardless of whether or not they are subject to a type of detention that is considered mandatory. In fact, once we hit that 180th day, the burden shifts to the government to try to hold onto that person despite what could be a rather egregious criminal record.

So we are trying to use our detention beds in the smartest way possible both for adults and families, and that is a number that is flexible. In other words, it is not, you know, prescribed to be one type or another, that we have some ability to be nimble there.

But I will also tell you that particularly as it relates to detention beds, the return on investment for our international operations, we had our investigative units in the Caribbean, Dominican Republic—I was just there—in Honduras, in El Salvador, in Panama, and Guatemala where we have local prosecutors, local police officers dismantling the smuggling organizations. That is a far better service to the taxpayer that keeps those people from coming here to begin with, as opposed to putting detention beds only for having a bond decision while they wait for a hearing that may be many years away.

Senator HOEVEN. But the cost for one of those agents is three times the cost for your domestic agents, so do you have the statistics to back that up? Because to make that case, you are going to have to show the benefits and these other costs.

Mr. RAGSDALE. So we are working very diligently on it. And here is what I will suggest: You know, our international program is absolutely, you know, an important part and in service of our domestic investigations. So, you know, we are a smuggling investigative

agency. We know there is border nexus in almost all of the cases we investigate.

But from a homeland security perspective, stopping the flows of contraband and people who are not authorized to come to the United States at these various checkpoints whether in Central America, whether in South America, or around the globe in Europe is a far better outcome than sort of waiting for folks to get here and then trying to detain them.

Senator HOEVEN. And it makes sense, but how are you evaluating the effectiveness of those people so that we can compare the cost and the benefits relative to your domestic operations?

Mr. RAGSDALE. We will be happy to work with your staff on those metrics.

Senator HOEVEN. It does make a lot of sense, but you have got to be able to track it and demonstrate it, you know—

Mr. RAGSDALE. So—

Senator HOEVEN [continuing]. Ounce of prevention, pound of cure. I mean, it does make sense—

Mr. RAGSDALE. But that is—

Senator HOEVEN [continuing]. But you still have to be able to track that effectiveness and quantify it somehow.

Mr. RAGSDALE. That is exactly right. And I will—

Senator HOEVEN. Same thing for Customs and Border Protection as well.

Mr. RAGSDALE. It is essentially, you know, a version of pushing the border out that just operates in many effective ways, and we certainly want to work with you on that.

Senator HOEVEN. Right. And I think that is a good case to make, but we have to make it effectively. So when we are putting this budget together, we can say, yes, that is the right resource allocation.

Mr. RAGSDALE. Yes, sir.

Senator HOEVEN. Technology, I would say for both of you, in terms of technology, where are you relative to where you want to be with getting the right technology and having the adequate technology and the right mix of technology with your people?

Mr. RAGSDALE. So we have had a couple of what I will say are success stories at ICE. We have modernized for our general counsel program their case management system. We did that with a commercial off-the-shelf system, very small in the relative scheme of things but certainly something that has made the lawyers much more effective in terms of the litigation processes.

We are on the verge of modernizing our investigative case management system used by our criminal investigators in partnership with CBP. We are going to have what I will say is a modern case file that will replace a green screen that the agencies use now. There is a certainly some irony to sending somebody who was born in, you know, the 1990s to look at a computer with a green screen. So that is something that will disappear this year.

For our ERO program, that is where we are working—we have worked closely with your staff to get a modern system. We have a system that was actually released not that long ago in the scheme of things, in the mid-2000s, but it does not capture all the information about the folks encountered by ERO that we are so often

queried about. It is an encounter-based system. It is based on sort of transactions that officers update often manually with narrative fields. It does not regularly integrate well with sort of the criminal justice information and geographic information and sort of released information, which is often what our stakeholders and overseers want to work and get information on.

So we are working to modernize that system. You have given us what I will say is money to start that analysis. We will certainly work with you to come back as we sort of formulate the proper requirements.

CBP BORDER TECHNOLOGY

Senator HOEVEN. How about on the CBP side?

Mr. MCALEENAN. So I will cover a couple of different areas quickly and can go down—

Senator HOEVEN. Just priorities for technology and where you feel you are in terms of having the technology you need to do your job.

Mr. MCALEENAN. Absolutely. So on the targeting and analysis side, with this committee's support, we have made significant advances on the analytics for evaluating risk. The key area we are continuing to develop is how to interface our low-side information, our unclassified information with classified data to get a broader picture on threats. That will be a continued effort, so doing well on the unclassified side, more effort on the high side.

With our trade environment, the Automated Commercial Environment is making tremendous progress. We are working to get everybody into the single window by the end of this calendar year. That core technology is near completion and going well.

On the border security side, I think we have got the right plan on surveillance with the integrated fixed towers, with the mobile surveillance capabilities. We need to keep implementing it. The next frontier and challenge is tunnels, which we would like to re-start in 2017 with your support after our pilot efforts with S&T.

Biometrics, entry/exit, the pilots we are doing, the ability to do iris, to do better facial recognition, biometrics "on the move," that is going to enable us to get to that exit system that we all want to achieve. And the challenges we see coming forward are the recapitalization on technology that has been hugely valuable to us, nonintrusive inspection, the gamma imaging devices, the radiation detection portal monitors. That is going to be a challenge in the years ahead to sustain the capability, and we are looking for ways to do it cheaply, to extend life, and to handle that mission.

Senator HOEVEN. Senator Shaheen.

Senator SHAHEEN. Assistant Director Ragsdale, ICE has created a number of anti-trafficking coordination teams at locations around the country. Unfortunately, no team has been created on the East Coast north of Atlanta. And I know that we put in some language for you to study and report back to us on the feasibility of creating additional teams. Obviously, this is an issue that we have a great deal of concern about in the Northeast because trafficking is a very big issue. So I wonder if you could tell us what the status of the study is and when we should expect it and if it is going to make any recommendations that might suggest that we have reason to

believe that we would get some additional resources to help us with this issue.

Mr. RAGSDALE. So thank you for that question. I mean, human smuggling is one of the, you know, the crimes that calls out across every person who, you know, is acquainted with just the violence and the treatment of another human being as something that certainly requires our great attention. You know, we have worked both within in DHS, with the Blue Campaign, our own internal footprint working with the Department of Justice (DOJ) and their agencies to make sure that the enforcement of human trafficking laws make sense.

You know, I know we are looking at teams in the Northeast. We will obviously work with our partners in the U.S. Attorney's Office to make sure that we have resources in the right place. So I will get back to your staff with a recommendation on what we see in the Northeast. But our office in Boston, our office in New York, which covers—in New Jersey I should say and Philadelphia for the entire Northeast—covers human trafficking as one of their critical components.

Every major sporting event, you know, those types of things where we see increased demand for vulnerable people, we are bringing our investigative capabilities to bear.

Senator SHAHEEN. And so is there actually a study underway based on what language that we put in that we should expect to see at some point?

Mr. RAGSDALE. Yes.

Senator SHAHEEN. Do we know when?

Mr. RAGSDALE. I will have to get back to you on the when.

[The information follows:]

The Department of Homeland Security expects to provide to the Congress a report on the feasibility and advisability of creating additional anti-trafficking coordination teams, particularly in the northeast region, by the end of May 2016.

Senator SHAHEEN. Okay. Thank you. I appreciate that.

COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

I want to go back to my initial comments in my opening statement about the challenge that States throughout the country are facing with respect to the heroin crisis. And it has really been driven in large part in much of the country, I think, by the addition of opioids, which have turned out to be very, very addictive, and—at least what we are seeing in New Hampshire—is that people get addicted to opioids and then they switch to heroin because it is cheaper and easier to get. And what we have seen in 2014 is 47,000 Americans died from opioid and heroin overdoses.

As I look at the ICE efforts to address this, I see that in 2015 you seized about 7,500 pounds of heroin and so far this year about 1,600 pounds, which sounds like a lot, but the question that I have is if you had more resources, could you do better? And in those figures does that include what is seized by the Coast Guard as they are doing drug interdiction efforts offshore?

Mr. RAGSDALE. Narcotics investigations are still our largest investigative discipline at ICE. In fact, it is almost 25 percent of our investigative hours. So there is no question it remains a critical effort. In our strategic plan from 2016 to 2020, organizations that

smuggle heroin, synthetic drugs, opioids, meth are absolutely a focus.

We have opened—in the last 5 years have had 950 investigations involving organizations that smuggle heroin. In that same period we have probably seized about 24,000 pounds of heroin. The seizure number is a good-news story, but it also demonstrates the volume of heroin that in fact—

Senator SHAHEEN. Right.

Mr. RAGSDALE [continuing]. Is out there to seize. We have 16 what we call our significant case report. These are either Organized Crime Drug Enforcement Task Force (OCDETF) targets that are agreed-upon by an interagency group to be targets by volume of narcotics being moved. In the last 5 years, we have dismantled or disrupted in a material way 8 of those 16 organizations.

So, you know, we are certainly putting our efforts on the heroin problem. You know that the administration has, you know, put—

Senator SHAHEEN. Right.

Mr. RAGSDALE [continuing]. You know, efforts into both supply and demand and that law enforcement is one critical piece of that. And any organization that smuggled heroin across our border, as well as, again, the TCIUs I mentioned, are also, you know, focusing on organizations smuggling heroin as a critical piece.

You know, the law enforcement response and the interagency with OCDETF, with the attorney general's task force, we are material supporters of those, and we are heavily invested in—I cannot say that more agents would not let us do more work, of course it would, but I will just note that solving the problem probably is a little broader than just law enforcement.

Senator SHAHEEN. Do you want to speak to that, too?

Mr. MCALEENAN. Yes, briefly. We are really concerned and focused on this in our communities as well, and I have a unique perspective working for the former Office of National Drug Control Policy, a leader in this effort. For CBP it is two main pieces: interdiction at the border, which you saw in Laredo with our K-9s, with our x-ray equipment, supported by targeting.

I should note that I mentioned that we are making progress, in response to the chairman's question, on our sophisticated analytic techniques. We are using those against the narcotics threat most effectively, both in cargo, as well as passenger vehicles. About 30 percent of our seizures of hard narcotics and especially heroin are driven by those advances in targeting.

Last year, we had 2,744 kilograms—so not pounds—seized, which is up about 70 percent from 5 years ago. So it is a main focus for us.

I agree with Dan's comments on that interdiction is not going to get us there alone, and that is why the second piece of our effort is support to investigative task forces using our targeting and counter network capabilities. The Joint Task Force-West that the Secretary established has identified 19 priority transnational criminal organizations threatening our southwest border, and that is where most of the heroin is coming on our land border, about 70 percent of it.

Three of the top five of those 19 and one-third of the priority networks are involved in trafficking heroin, and so I can tell you we

are looking at what investments can make an impact. It is in that interagency investigative task force model and applying CBP's insight into the data to support illuminating those networks, and that is part of what the 40 additional Targeting Center personnel we have requested in 2017 would go towards is enhancing our counter network support.

Senator SHAHEEN. So there have been a number of news reports that have talked about the engagement of ISIS and other terrorist groups in drug trafficking and smuggling as part of financing their operations. Are we seeing that in the kind of analysis that you are talking about?

Mr. MCALEENAN. I think we are, and I defer that to Dan as well to comment, but I think there is a recent significant operation in France with tentacles into multiple nations that we Drug Enforcement Administration (DEA)-led but supported by CBP's counter network efforts in identifying the members of this group. And I can send the information to your team. It was very significant and impactful coordinated with funding for international terrorism.

Senator SHAHEEN. Do you want to comment?

Mr. RAGSDALE. This is probably not the full and appropriate place to have this—

Senator SHAHEEN. Sure.

Mr. RAGSDALE [continuing]. Discussion. However, what I think the lesson is that, whether it is ISIS or any other criminal or terrorist organization, they will do whatever they can to make money. We have seen smuggling in cultural antiquities, smuggling in people, and smuggling in drugs. So we certainly can offer a more detailed briefing, but I agree with my colleague that, you know, it is only a question of dismantling organizations from a global perspective that will really bring some, I think, impact here.

Senator SHAHEEN. And so you are working with the Justice Department, obviously with DEA. Are you also working with our military as you are looking at those kinds of networks and trying to disrupt those?

Mr. RAGSDALE. So certainly in Central America and I will use the term downrange, absolutely. We are also working with Department of State's International Narcotics and Law Enforcement. They have been a huge help. We would be nowhere near where we are in our investigative efforts without their help. So it is certainly, again, the full interagency.

Senator SHAHEEN. Thank you. Thank you, Mr. Chairman.

Senator HOEVEN. All right. I just have a few questions here, and then that will take care of questions that I have for today. And Senator Shaheen, certainly offer you an opportunity for any others that you may have.

NATIONAL TARGETING CENTER

First one relates to the National Targeting Center. It looks to me like between \$35–\$40 million increase for the National Targeting Center. Commissioner, if you could, touch on why you need that, what we are accomplishing with it, how we are doing with the targeting center.

Mr. MCALEENAN. Absolutely. So the Targeting Center's development from a local phenomenon prior to 9/11 to what it is today as

an interagency center of excellence supporting multiple missions for DHS and our partners in the counterterrorism, counternarcotics and intelligence space has been, I think, a real success story in the Department of Homeland Security.

And it is built on the unique aspects of CBP. Because of our position at the border, our regulatory abilities, we have information on the global travel cycle and global supply chain that other agencies simply do not have access to. And we have the authorities that we can wield in support of the analysis of that data to inspect cargo, to stop, detain, and question individuals without a warrant. So it is a unique combination.

Additionally, we have been working on risk management concepts really for 225 years, since the founding, and trying to pick out those people and cargo shipments that might present a risk as they are crossing our border.

And then fourth, it is the power of the partnerships. Because CBP does not have investigators that are making the arrest and supporting prosecutions, we are very neutral. We have our number one investigative partner in HSI, but we are able to support FBI's counterterrorism mission, DEA's counter drug mission, Treasury's seizure of assets using the information and the counter network analysis ability that we have. And we support Coast Guard in its passenger analysis, support Department of State in its visa work, support TSA in its aviation security. So these are all capabilities that have been built around those four fundamental aspects, the data, the authorities, the risk analysis, and the partnerships.

So what these additional officers are going to enable is we have worked very hard, especially post the Christmas Day bomber in 2009 to really move our threat analysis prior to departure toward the United States for passengers. We had already done that for cargo in the aftermath of 9/11. That has created significant transactional work to process potential matches, to analyze rules hits, to make judgments on whether a traveler might present a risk before they board. So that has kind of taken the full capacity of the National Targeting Center (NTC).

What we would like to do using the increased analytical capability of our systems that you have supported is augment with additional officers to go after these networks. Heroin smuggling, trade violations, as well as our priority that we are fully resources on foreign terrorist fighters.

So it is really extending a capability that is unique in the inter-agency, that is proven dramatically effective, and has supported many of our partners, primarily starting with HSI and their investment with agents at our National Targeting Center.

THE ZIKA VIRUS

Senator HOEVEN. The inspector general issued a report in January that was critical of DHS, as well as HHS, in regard to implementation of the Ebola screening process. With the Zika virus, what have you done to make sure that we do not have some of those same problems?

Mr. MCALEENAN. Absolutely. We will have to rigorously watch that. You know, I reviewed the report carefully and was appreciative of IG's noting that we responded very quickly to a new cri-

sis. And actually, some of the concerns they cited were actually reviewed before the travelers were released. We managed to screen 42,000 travelers at ports of entry around the country focused on five priority airports.

Ebola is a disease where the Centers for Disease Control (CDC) advised us that we had an opportunity to potentially identify affected people during their border crossing. If they were symptomatic, if they had a high temperature, we could identify them. Additionally, the key value there was tracking folks from Ebola-affected countries and the addresses and destinations they were going to. If they became infected, that would support disease analysis by CDC.

For Zika we have gotten different advice. Given the lack of symptoms that 80 percent of people infected demonstrate, border screening itself is not supported by the symptomatology of the disease. So what we are looking at is ensuring that around our facilities where we detain people that we have good mosquito suppression capabilities and that we are giving the right information to our personnel that work in Puerto Rico and the U.S. Virgin Islands and other places where there has been Zika transmission. And certainly, if we are called on to support our health and human services partners, in a response if the disease changes its manifestations, we would absolutely jump on that.

HONEY PRODUCERS

Senator HOEVEN. Okay. Last question I have is in regard to the honey producers. Do you have an inventory of what is owed, what has been collected, and what they can anticipate in terms of distributions and when?

Mr. MCALEENAN. Yes. We are tracking all the cases that have been settled to date, as well as those outstanding and doing the calculations of both the fundamental principle and the interest. That has been the key advance in the change in the statute. So there is a team in our Office of Trade that is working those issues.

Additionally, Chairman, you raised the changes in the new customs bill if you will that is shorthand for the Trade Facilitation and Trade Enforcement Act, a lot of focus on the threat of dumping to our domestic honey producers, and we are tracking closely the need to have the right personnel dedicated to that mission, the database of the individual characteristics of honey depending on the country of origin so that we can have our labs and scientific services work with the FDA to make sure we are tracking that effectively. And then we owe you a report, I believe, in less than 6 months now on how we have responded to the guidance in that bill, and we are working that aggressively today.

Senator HOEVEN. Okay. What have I not asked you, Commissioner McAleenan, or you, Deputy Ragsdale, that you would like to bring up at this hearing? Is there anything you want to make sure we cover that we have not?

ATTRITION

Mr. RAGSDALE. I would thank you just for your support and just, you know, to note that the attrition piece is really a challenge. I will just add one more exclamation point on that. The overtime

issue for our enforcement and removal folks is going to be a challenge until we get a change of legislation, and I just feel that it is worth noting how important that is for our workforce in terms of morale and retention. So I appreciate—you have already asked the question, but I will just take this opportunity to put that one more exclamation point on it. Thank you.

INTERNATIONAL ARRIVALS CUSTOMER SERVICE

Senator HOEVEN. I share your concern. Anything else?

Mr. McALEENAN. My staff might question my sanity for taking you up on that opportunity, Mr. Chairman, but I think there is one area we have not talked about. It is our transformation and our processes to welcome travelers at our international airports. It has been really a hallmark of CBP's efforts the last several years.

In the last 3 years, traffic has gone up almost 11 percent at our major international gateways, and our wait times have gone down, over 15 percent, with enhanced security. And that has been a function of technology and expanding global entry using automated passport control kiosks, using mobile passport control, and really partnering with the private sector with the authorities this committee has given us to do reimbursable services agreements so we can have targeted CBP officers exactly when the airports need it to provide better service.

So the results are supported in the traveler surveys. In 2012, only 63 percent of travelers felt like they waited less than 15 minutes. Now, that number is 88 percent. Ninety-three percent felt welcomed because they enjoy interacting with the technology, being part of the process. And so I think that your committee's support has really pushed us forward in this area, and it has been an important success for the Department and CBP.

Senator HOEVEN. I have seen that as a traveler. And then when we were down on the border last year, we went to the international airport in Houston, and the technology you had to process international travelers, as well as just the systems and the personnel, was impressive.

And so, I mean, I think it gives us a glimpse of what we can do with the right mix of people, technology and process to get this right. One way to go but a good example there of something you have done very well. I appreciate it.

Senator.

Senator SHAHEEN. I just have one last issue that I want to raise because this came up at a hearing last month before the Senate Special Committee on Aging. And one of the things that I have tried to do over my time as a Senator is to help educate particularly seniors in New Hampshire about some of the scams that are out there that try and defraud seniors because they are very giving and want to be helpful when someone calls and says this is a problem.

And I know that one of these scams has U.S. citizens who are unwittingly coerced to act as drug mules. And so I just wonder, Mr. Ragsdale, if you could talk about some of the efforts that you have underway to break up those kinds of scams and to educate people about what is out there?

Mr. RAGSDALE. Thank you, Senator. A couple of thoughts: First, you know, we have worked with the Committee on Aging and our interagency partners on sort of the telemarketing fraud. We know that it is very easy to fish for information over the phone. There are certain demographics that are more likely to give information remotely. So we have worked—our Cyber Crimes Center that we have recently expanded to support what I will say is an outreach effort. You know, we have done that both in terms of children being safe online but we have also expanded that to seniors.

You know, we have worked with our international attache offices in the Caribbean and with our domestic office around the United States to push some of that message, you know, being safe online, being safe when folks call and having sort of a smart behavior is part of our outreach campaign. And we will just continue to do that.

And likewise, we will also continue, you know, the financial investigations that, you know, is our second-largest investigative area. It is a big part. And, you know, protecting our vulnerable senior citizens and children online and sort of over the phone is absolutely a priority for us.

Senator SHAHEEN. Well, I would applaud those efforts. I think those are the kinds of efforts that the agency does that the public does not often recognize, and so it is important to provide that kind of protection. So thank you all.

Mr. RAGSDALE. Thanks.

Senator SHAHEEN. And thank you both very much for your testimony today.

ADDITIONAL COMMITTEE QUESTIONS

Senator HOEVEN. All right. With that, that will conclude our hearing today. And again, I want to thank both of you for being here today and for the important work that you and everyone at your agency does.

The hearing record will remain open for 2 weeks from today. Senators may submit written questions for the record. We ask that witnesses respond to them within a reasonable length of time.

[The following questions were not asked at the hearing, but were submitted to the Department subsequent to the hearing:]

QUESTIONS SUBMITTED TO KEVIN K. MCALEENAN (CBP) AND DANIEL RAGSDALE (ICE)

QUESTIONS SUBMITTED BY SENATOR JOHN HOEVEN

REMOVALS AND IMMIGRATION ENFORCEMENT METRICS

Question. The number of removals of illegal aliens is one measure of immigration enforcement. ICE has been removing fewer and fewer aliens each year under this Administration. From fiscal year 2014 to 2015, total removals dropped by 80,530. Comparing the same period, ICE removed 37,560 fewer criminals. In terms of effectiveness, it is unclear what to measure removals against. Academics estimate an illegal population of roughly 11 million in the United States. We know ICE isn't targeting the entire illegal population, so what is the size of the population ICE is targeting—by estimated number and by priority category?

Answer. U.S. Immigration and Customs Enforcement (ICE) has prioritized its resources on the identification and removal of threats to national security, border security, and public safety, as outlined in Secretary Johnson's November 20, 2014 memorandum titled Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants.

The drop in the total number of ICE removals stems from several factors. Historically, a significant number of ICE's removals have been based on U.S. Customs and Border Protection's border apprehensions. However, apprehensions—a key measure of illegal border crossings—along the Southwest border are at their lowest levels since the early 1970s. Specifically, the total number of such apprehensions dropped by 479,371 to 331,333 between fiscal year 2014 and fiscal year 2015.

Additionally, the enactment of numerous State statutes and local ordinances reducing and/or preventing cooperation with ICE, along with Federal court decisions that created liability concerns for cooperating law enforcement agencies, led an increasing number of jurisdictions to decline to honor immigration detainees in fiscal year 2015.

The Department's clearer and more refined civil immigration enforcement priorities, which ICE began implementing in fiscal year 2015, placed increased emphasis and focus on the removal of convicted felons and other public safety threats over non-criminals. Over the course of fiscal year 2015, ICE has improved its ability to target individuals who threaten public safety and national security, as demonstrated by the fact that 98 percent of individuals ICE removed met ICE's civil immigration enforcement priorities.

The Office of Immigration Statistics produces an annual report which attempts to quantify the undocumented population in the United States. Please find attached the latest, publicly available report.

OVERSTAY TRACKING AND ENFORCEMENT

Question. The Department finally submitted its first visa overstay report to Congress after many years overdue. It tells part of the story. However, the Department has the challenge of figuring out who is still here legally by checking across a number of different biographic systems.

What are the barriers to status information moving seamlessly across DHS's immigration benefit and enforcement information systems? And what is DHS doing to connect these systems or routinely share information to reveal status in individual cases and in the aggregate? As an example, ICE should know when a student visa holder has adjusted status with USCIS. As another example, the Arrival Departure Information System should be able to distinguish potential overstays from those who have adjusted status and remain legally in the United States.

Answer. U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations' Counterterrorism and Criminal Exploitation Unit (CTCEU) uses LeadTrac, a lead and case management database, to aggregate information on foreign nationals who are suspected of having violated their immigration status, overstayed their visas, and/or could pose a risk to the homeland. LeadTrac initiates leads through the Automated Targeting System-Passenger (ATS-P) import, to include information from Enforcement Integrated Database, Electronic System for Travel Authorization, I-94, Advance Passenger Information System, Central Index System, Consular Consolidated Database, Student and Exchange Visitor Information System (SEVIS), and others. Once potential leads are in the system, CTCEU collects information on subjects through batch vetting and through manual vetting conducted by an analyst. CTCEU analysts query various Department of Homeland Security (DHS) databases, commercial databases, and publicly available information obtained from social media and other Internet sites and document their findings in LeadTrac. CTCEU batch vets the leads in its database through the U.S. Citizenship and Immigration Services' (USCIS) Computer Linked Application Information Management System (CLAIMS) to identify individuals who have pending applications, have adjusted status, or who have been denied a benefit. Batch vetting through CLAIMS is currently triggered via manual action on a weekly basis. LeadTrac also has connectivity with ATS-P on a daily basis through web services and receives travel information to identify departures and subsequent arrivals as well as notifications that an individual has a National Crime Information Center record. LeadTrac notifies ATS-P when it has closed a lead and provides a reason for the closure. LeadTrac also notifies the Arrival and Departure Information System when a lead has been closed for a SEVIS or CLAIMS reason and will soon advise when LeadTrac has identified a deceased individual or has documented an arrest. LeadTrac exports lookouts to TECS so stakeholders can be aware of possible SEVIS violators as well as other overstays who do not meet CTCEU criteria. LeadTrac also provides information to ICE Enforcement and Removal Operations on subjects who do not meet CTCEU criteria but continues to monitor those leads for benefits and applications and departure or subsequent arrival information. CTCEU increasingly strives to automate information to eliminate the need for manual interaction, continuously

works with its partners to identify data fields to augment LeadTrac information, and works to share that information with requesting partners.

The Arrival Departure Information System (ADIS) was originally designed to match arrivals to departures for travelers subject to the Visa Waiver Program (VWP). Since its inception in 2002, its functionality has been expanded to include identifying all non-immigrant overstays, not just those pertaining to the VWP. One barrier to ADIS moving information seamlessly across the DHS mission is that most systems containing immigration and travel data are event-centric, and ADIS must be person-centric to accomplish its status mission (i.e., for ADIS to accurately and automatically provide status information, it must match individual events from multiple sources to identify status of each traveler in question).

To connect systems or otherwise share data, ADIS has incoming and outgoing connections to multiple databases that are needed to accomplish its mission and the missions of its stakeholders. CBP and its partners across DHS continually evaluate and update the interfaces between ADIS and other systems to improve the quality and timeliness of the data. For example, in May 2016, ICE and CBP are deploying an updated interface between the Student and Exchange Visitor Information System (SEVIS) and both the Automated Targeting System-Passenger (ATS-P) and ADIS. This will provide more information on a daily basis between systems, including abilities to better determine status. This work will also benefit enforcement actions taken by ICE and analysis performed by the Intelligence Community.

More generally, information does not move seamlessly across DHS data systems because many of the Department's most important immigration data systems are products of DHS legacy organizations such as the U.S. Customs Service and the Immigration and Naturalization Service, and the systems were not designed and have not evolved to facilitate enterprise-wide data sharing or data analytics. As you know, DHS has recently undertaken a department-wide immigration data integration initiative, which aims to more comprehensively make this type of connection across different immigration data systems.

Though related to the overstay mission, identification of lawful immigrant status is provided by USCIS, and CBP defers to that component for further details in this area.

Question. Relatedly, when checks are done of immigration benefit applicants does USCIS automatically know when such an applicant is being investigated by ICE for national security concerns? If not, when will that be available and how?

Answer. When adjudicating an immigration benefit, USCIS queries TECS to identify possible derogatory information regarding an applicant. ICE encapsulates this information in the form of TECS subject records/lookouts on individuals who are potential threats to national security or public safety as outlined in Secretary Johnson's November 20, 2014 memorandum, Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants. In addition, TECS subject records/lookouts are generated on student and exchange visitors once they have been identified as being out of status. Individuals that have been verified as visa overstays will also have TECS subject records/lookouts created. The TECS subject records/lookouts alert ICE field offices of possible overstay violations which could warrant further investigation. Due to the necessity of maintaining the integrity of the immigration process, it is imperative that ICE continue to work closely with partnering agencies (USCIS, U.S. Customs and Border Protection, etc.) in order to increase the effectiveness of information sharing.

Question. What system changes are necessary and when will DHS be able to track individual immigrants and non-immigrants through the immigration benefits and immigration enforcement lifecycles?

Answer. ICE completed a study of the Enforcement Integrated Database (EID) in January 2016, including peripheral applications, and identified specific capability gaps, which have been shared with the committee. ICE has initiated several short-term projects that are designed to address some of the capability gaps in fiscal years 2016 and 2017. To address full lifecycle reporting, ICE must fundamentally change the EID, which supports over 24,000 users globally and maintains data for 22 applications.

CBP is engaged in data sharing activities and system upgrades that facilitate the capability to track individual immigrants and non-immigrants through the immigration benefits and immigration enforcement lifecycles. Many of these capabilities are operational or in the process of becoming operational. Since the language in this question covers a wide variety of different missions associated with verification and identification of immigrants/non-immigrants, many systems within CBP and DHS could fall within the scope of the question and are in the process of deploying enhanced capabilities. In the prior answer provided, the Arrival and Departure Information System (ADIS) was cited for deploying enhanced capabilities for identifying

overstays for non-immigrants. If more information of this nature is of interest, CBP can provide specific timelines on specific systems that are supporting the operations associated with immigrants and non-immigrants. For example, CBP's ADIS system will deploy capabilities in May and June 2016 to facilitate the identification of expanded non-immigrant populations for ICE enforcement and annual reporting of overstay statistics for the fiscal year 2016 Entry/Exit Overstay Report.

In addition, at a headquarters level, the Office of Immigration Statistics (OIS) within the Office of Policy has developed software to link individual alien records across key enforcement and benefits datasets in order to track individuals through the immigration benefits and enforcement lifecycles. Current data architecture and IT infrastructure limit OIS's lifecycle analysis to historical data (fiscal year 2009–fiscal year 2014); but as part of the Department's immigration integration initiative OIS will develop the capacity to produce near real-time reporting on the immigration enforcement and benefits lifecycles.

Question. How will enforcement and removal officers handle individuals who are found to have overstayed their visas, or are suspected of overstaying their visas, if they do not meet the Secretary's four priorities for immigration enforcement? By policy, are officers able to initiate enforcement action on individuals who do not meet the four priorities?

Answer. While ICE resources should be dedicated, to the greatest degree possible, to the removal of aliens that fall within the priority categories enumerated in Secretary Johnson's November 20, 2014 memorandum, Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants, ICE officers may pursue removal of aliens who do not meet those priorities if an ICE Field Office Director determines that their removal would serve an important Federal interest. The memorandum includes as Priority 2(d) "Aliens who in the judgement of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, has significantly abused the visa or visa waiver programs." Some individuals who have overstayed their period of admission may also fall within this priority. In cases where individuals who are found to have overstayed their period of admission, or are suspected of overstaying and fall outside of the priority categories, ICE officers may pursue removal of these aliens if an ICE Field Office Director determines that their removal would serve an important Federal interest.

BIG DATA TOOLS AND COORDINATION

Question. CBP collects a wealth of data from travelers and the trade in order to facilitate the legitimate movement of people and goods. CBP and ICE are both developing and using "big data" tools to evaluate this data in order to prevent transnational criminal organizations from harming U.S. people or companies.

ICE and CBP have both entered into contracts to use "big data" tools to analyze the data CBP collects from traders and travelers, with the goal of stopping criminal activity. Are ICE and CBP working together to develop a tool both can use to identify potentially criminal patterns of behavior, develop investigations, and achieve some economies of scale? Please describe these efforts.

Answer. [Law enforcement sensitive information—start.] U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) are actively leveraging innovative techniques and tools, including big data analytics, in executing the mission to protect the Homeland. Each has a unique and complementary mission within the Homeland Security border-enforcement enterprise. Accordingly, each agency utilizes "big data" in a manner to amplify its respective capabilities. CBP operations are border-centric whereby their enforcement efforts are specifically focused toward activities that result in interdictions. ICE Homeland Security Investigations (HSI), as a transnational investigative agency enforcing the Nation's customs and immigration laws, also focuses its efforts on securing the integrity of the border. ICE HSI's mandate is to target transnational criminal groups and networks that exploit U.S. borders, regardless of whether that illicit activity occurs at or away from the border. ICE HSI has a wider focus on all trends and anomalies associated with immigration and trade data to identify illicit networks and organizations regardless of whether it results in interdictions or contributes to the development of investigations. An immense amount of data analytics has the potential to provide better targeting capabilities. ICE HSI and CBP are partnering to share information, leverage capabilities, and adopt best practices in integrating new technology with existing programs.

For instance, ICE HSI is the primary export enforcement agency within the U.S. Government and conducts various outreach efforts. [Edited text.] The information is provided to ICE HSI field investigators to inform them [edited text] investigations. While the big data analytic tools [edited text] ICE HSI's [edited text] and con-

tribute to joint efforts with CBP to secure the border. [Law enforcement sensitive information—end.]

CBP and ICE closely collaborate in the utilization of “big data” tools and analysis to develop joint capabilities and achieve cost efficiencies whenever possible. For example, CBP big data services are currently available to more than 1,000 ICE analysts through the Analytical Framework for Intelligence (AFI) big data tool as of February 2016 and CBP is working to serve other DHS components with the AFI tool. In addition, CBP and ICE regularly meet to identify data sets that are valuable in the “big data” environment to both CBP and ICE and to incorporate those data sets into shared tools. While CBP and ICE collaborate on big data efforts whenever possible, there are times where tools must be developed independently due to differences in the ICE and CBP missions.

Question. What metrics are used to measure the success of CBP’s counter network activities?

Answer. U.S. Customs and Border Protection’s (CBP) Counter Network Division (CND) was established in October 2015 to leverage CBP’s unique authorities, data, competencies, and partnerships to mitigate network-centric threats to the U.S. homeland and U.S. border security. CND enables a networked community of domestic and international partners that use the insights derived from CBP’s security activities to inform, enhance, and support operational and intelligence activities. The CND illuminates unique insights about illicit networks through a combination of data analysis and investigations stemming from CBP and partner data and interaction. Derived from these insights, CBP and its partners can develop informed and focused operational activities to disrupt and dismantle world-wide networks that support terrorism and transnational organized crime. The CND accomplishes this mission through the use of its expert insight into trade, travel, and border security as well as leveraging CBP’s unique data collection set at the center of the international trade and travel lifecycles in order to expose illicit network environments.

Although CND is still maturing, its activities have already resulted in mitigation and disruption of transnational terrorist or otherwise illicit networks. Successful outcomes to date include significant seizures, arrests, and disrupted illicit activities. As the CND interacts with the partner agencies and stakeholders, a great deal of the CND success will be measured by the actionable intelligence and information provided to its partners that allow for threat mitigation, threat disruption, or displacement. CND also looks beyond traditional quantitative metrics like arrests and seizures to further understand the qualitative impact of its activities. To do this, CND analyzes shifts in trends in the larger environment supporting our target networks. By comparing these shifts to specific interventions, the CND identifies correlations between CND and partner agency mitigation actions and the illicit networks’ ability to conduct operations. Such trends include:

- Trends demonstrating the reduced financial and operational capacity of target networks;
- Trends demonstrating target networks’ inability to operate in spaces they previously controlled or excelled in;
- Trends demonstrating target networks’ frustration with our adjusted tactics (changes in remuneration for employees/followers, punishments, etc.); and/or
- Trends demonstrating disruption of access to the U.S. homeland.

Further details on CND performance can be provided in a separate briefing.

EXECUTIVE ACTION POLICIES AND BORDER PATROL

Question. Please provide clarification of the Department’s policies when it comes to illegal aliens encountered by the Border Patrol.

What limitations are placed on Border Patrol agents regarding the questions they can ask an individual to determine whether the individual is lawfully in the United States?

Answer. Border Patrol has no policies that limit the questions that can be asked in order to enforce the immigration laws and regulations.

A Border Patrol agent’s legal enforcement authority is derived, in part, from sections 235 and 287 of the Immigration and Nationality Act, organized under title 8 of the United States Code (U.S.C.) sections 1225 and 1357 respectively, with the implementing regulations at title 8 Code of Federal Regulations (CFR) parts 235 and 287.

Under section 287 of the INA, Border Patrol agents have authority without warrant:

- “To interrogate any alien or person believed to be an alien as to his right to be or remain in the United States,” 8 U.S.C. 1357(a)(1);

- “To administer oaths to any person under penalty of perjury, and take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of the INA;” 8 U.S.C. 1357] (b);
- “To Search persons, and the personal effects in possession of any person seeking admission to the United States if the agent has reasonable cause to suspect that grounds may exist for denial of admission that would be disclosed by such search [8 U.S.C. 1357] (c);”

Section 235 of the INA gives Border Patrol agents authority “to administer oaths” and elicit from any applicant for admission “regarding the purposes and intentions of the applicant in seeking admission . . .” and to inspect “[a]ll aliens . . . who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States . . .” 8 U.S.C. 1225(a)(3), (a)(5), (d).

USBP follows the immigration enforcement priorities set forth in Secretary Johnson’s November 2014 Memorandum on “DHS’ Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.”

Question. What procedures must Border Patrol agents follow if an individual claims to have been in the United States since before January 2014?

Answer. Individuals who claim that they have been physically present in the United States continuously since January 1, 2014, are required to establish their claim to the satisfaction of the Border Patrol agent. Aliens who do not, should be prioritized for removal unless they qualify for asylum or another form of relief under our laws, or unless in the judgment of senior leadership, there are factors indicating that the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority. Aliens who do establish their claim to the satisfaction of the Border Patrol agent are further evaluated to determine if any other enforcement priority categories apply, or if there are other factors known to the U.S. Border Patrol that would influence the decision to exercise prosecutorial discretion.

Question. Are the policies and procedures different at the border as opposed to at checkpoints? If so, please detail how they are different.

Answer. No, immigration enforcement at the border and at checkpoints is governed by the priorities set forth in Secretary Johnson’s November 2014 Memorandum on “DHS’ Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.” According to the memorandum “Border Patrol Traffic Checkpoint Policy,” December 2003, it is the policy of CBP to use U.S. Border Patrol checkpoints to restrict the routes of egress from the border area where appropriate and thereby create deterrence to the initial illegal entry. Checkpoints greatly enhance the USBP’s ability to carry out the mission of securing the Nation’s border against terrorists, smugglers of weapons of terrorism, other contraband, and illegal aliens. Checkpoints are an integral part of the border enforcement strategy and provide a level of authority that is not replicated in any other enforcement toll outside the ports of entry.

In *Martinez v. Fuerte*, the U.S. Supreme Court ruled that internal checkpoints were consistent with the Fourth Amendment and not a violation. The court also said that it would be impracticable for agents to seek warrants for every vehicle searched and that to do so would eliminate any deterrent towards smuggling and illegal immigration. The court felt that any intrusion to motorists was minimal and that the government and public interest outweighed the constitutional rights of the individual.

FOCUS PORTS

Question. We understand that some ports of entry are being designated as “Focus Ports,” where a designated amount of staffing will be maintained at those ports for training purposes. Describe this new approach and tell us when will this take effect?

Answer. The Office of Field Operations has identified six “focus ports” that will receive the majority of new CBP Officers (CBPOs) and CBP Agriculture Specialists (CBPASs) to begin their careers. The focus ports are as follows: John F. Kennedy Airport (JFK), Miami International Airport, and the land ports of Laredo, Nogales, San Ysidro, and Calexico. Focus ports are locations with a high volume of work, varied enforcement actions, and diverse operations, which will provide an ideal training environment for new hires. Additionally, these ports will include enhanced training programs for new CBPOs and CBPASs to build a solid, well-rounded foundational experience in their given profession.

In addition to foundational and training benefits, focus ports will address mission priorities and staffing requirements by providing a steady stream of new CBPOs

and CBPASs. This consistent staffing will further enhance security and facilitate travel by having more CBPOs and CBPASs at some of the Nation's busiest ports.

Because of the staffing challenges, the Office of Field Operations has not been able to fully implement this concept beyond funneling the majority of new hires to these designated ports. With JFK just reaching, and exceeding, its authorized staffing levels, it is expected that within the coming months, as trainees return from the academy, the enhanced training programs will be rolled out.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

U.S. CANADA PRECLEARANCE AGREEMENT

Question. My question this week is timely because it coincides with the visit to the United States of Canadian Prime Minister Justin Trudeau. About a year ago, the United States entered into an agreement with the Government of Canada regarding customs, immigration and agricultural preclearance in an effort to speed cross border movements while ensuring that each nation's border protection requirements are met. Last week I joined with Senator Leahy to introduce S. 2612 which will enable the full implementation of this agreement. The benefits for Alaska tourism are obvious—implementation of the agreement would allow for full preclearance of cruise passengers departing Vancouver meaning more time and more fun during their shore experiences in southeast Alaska.

Aside from the benefits for Alaska, I understand that implementation of the Preclearance Agreement is good for U.S. communities across the Northern border. Would you explain why this is the case?

Answer. By taking a perimeter approach to security we improve the efficiency of legitimate travel and trade at the border and further enhance U.S. security by performing inspections and examinations before travelers enter the country. This approach allows us to increase capacity and decrease congestion at our busiest border crossings allowing travelers to spend more time in the community thereby increasing their positive economic impact.

Question. Would you explain why enactment of S. 2612 is important to the implementation of the agreement?

Answer. U.S. legislation is needed to provide criminal extraterritorial jurisdiction over U.S. Government personnel stationed in a foreign country pursuant to a treaty or executive agreement and, as applied to the context of preclearance in Canada, to allow the United States to avail itself of the protections and accountabilities provisions of the new United States-Canada Land, Rail, Marine, and Air Transport Preclearance Agreement (LRMA). Without the passage of this legislation, along with similar implementing legislation in Canada, the LRMA will not enter into force.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

ENTRY WAIT TIMES

Question. I want to first applaud the department/agency for its efforts to reduce wait times at air ports of entry in 2015. The implementation of automated technologies, combined with enhanced partnerships at the local level, led to significant improvements at several airports that had previously experienced long wait times.

While I know most locations saw some kind of decrease (airport wait times decreased by 3.5 percent, or 19.9 minutes, from fiscal year 2014–fiscal year 2015 (based on the national average wait time) after experiencing more than a 5-percent increase from fiscal year 2012 to fiscal year 2013), did any of the top 20 airports experience an increase or no change in wait times over the 2015 levels? If so, which airports and was there a specific reason?

Answer. CBP creates an annual product that includes Annual Average Wait Times. Based on that product, the following airports showed an increase in average wait times from fiscal year 2014 to fiscal year 2015: Atlanta Hartsfield-Jackson International Airport, Baltimore/Washington International Airport, Honolulu International Airport, San Juan Luis Muñoz Marín International Airport, Miami International Airport, and New York John F. Kennedy International Airport.

Of these airports the average wait times at Atlanta Hartsfield-Jackson International Airport, Baltimore-Washington International Airport and San Juan Luis Muñoz Marín International Airport are all well below the national average and less than 12 minutes. Atlanta Hartsfield-Jackson International Airport, Baltimore/Washington International Airport can be explained, in part, by an increase in passenger volume over the same time period of almost 3 percent and 38 percent respectively.

At San Juan Luis Muñoz Marín International Airport the volume of passengers decreased by 3 percent, however San Juan does not use Automated Passport Control kiosks.

The change in average wait times at Miami International Airport, and New York John F. Kennedy International Airport was close to a 1.4-minute increase (a 6.4-percent increase at John F. Kennedy and a 5.6-percent increase at Miami) and can be explained, in part, by an increase in passenger volume over the same time period of 3 and 4 percent respectively.

Honolulu International Airport has an almost 29-percent increase in average wait times with a volume increase of less than 1 percent. Global Entry travelers make up only 0.56 percent of total travelers to the airport. Honolulu International Airport also did not have Automated Passport Control kiosks during fiscal year 2015 (although the airport does now).

Question. Also, can you highlight the role of Automated Passport Controls (APCs) in the 2015 improvements and discuss the possible impacts of a large scale Mobile Passport Control (MPC) roll out in 2016? What domestic airports would you expect to deploy MPCs in fiscal year 2016?

Answer. Automated Passport Control (APC) kiosks continue to be a large part of CBP's efforts at improving the efficiency of the overall inspection process. Significant wait time reductions can be expected during an airport's initial year of APC usage; however, in subsequent years, assessing APC's exact impact on wait times from year to year becomes more difficult. CBP launched 32 APC kiosks at Honolulu International Airport on February 29, 2016, and a launch of APC kiosks at Baltimore-Washington International Airport is planned before the end of the fiscal year. These changes, as well as a continued effort to add more APC kiosks at existing locations. Other APC enhancements such as the recent addition of B1/B2 visitor visa holders to the travelers eligible for APC are expected to continue the trend of reducing wait times and improving efficiency in the airport environment.

Mobile Passport Control (MPC) has already been deployed at Atlanta, Miami, Chicago, Seattle, San Francisco, Fort Lauderdale, Dallas-Fort Worth, Newark, JFK, Orlando, Denver, and San Jose. The goal of MPC is to deploy to the top 20 U.S. airports by the end of the year. Upcoming MPC deployments that are anticipated over the next several months include Minneapolis, Raleigh-Durham, Tampa, and Dulles.

While the travel wait times at the airport by MPC users is reduced significantly after deployment, the overall wait times by the rest of the travelers in the Federal Inspection Services (FIS) area varies and dependent upon the percentage of travelers using MPC, and the current configurations, processes, and staff levels at the different airports.

With regards to percentage of travelers using MPC, it starts out from zero percent when deployed and grows from there and is widely influenced by the amount of the awareness and promotion of the new technology through a cooperative effort between CBP, airport authorities, and airlines.

The overall wait time of the rest of the travelers in the FIS area has been shown to go down as MPC usage increases. The program is in the early stages, but CBP will conduct time and motion studies to further document the efficiencies.

One such study performed at Miami International Airport in June of 2015 found that the average inspection time for MPC travelers was 23 seconds per person in Primary, approximately 156 travelers per hour, compared to the overall average inspection time in Primary for APC travelers which was 80 seconds at the APC kiosk and 12 seconds at the APC podium. Travelers who use MPC basically save time at the airports by not having to use the APC kiosks upon arrival, and instead submit information ahead of time using the MPC app on their wireless device to generate a CBP generated receipt (aka, bar code) which then is verified by a CBP officer using a scanner. The study indicated that increasing MPC usage will reduce the number of travelers using APC. The impact will be that, once more travelers are eligible to use APC (non-Visa Waiver travelers), wait times at APC kiosks will be reduced. The study illustrated that more than 95 percent of travelers at the point of inspection understood how to use the MPC process.

Question. Do you intend to use this technology in any overseas preclearance locations?

Answer. It is anticipated that MPC will be deployed at Preclearance sites (i.e., Toronto, Montreal, etc.), but their deployment schedules have not been determined yet.

Question. Additionally can you provide the committee with an update on the Department's efforts to develop passenger wait time performance metrics and operational plans to reduce wait times at the ports of entry with the highest passenger volumes?

Answer. DHS is committed to establishing strong metrics to track performance; and such metrics take into account CBP's priority mission of national security, in

addition to CBP's mission to facilitate legitimate passenger travel. Accordingly, CBP has developed terminal level dashboards that monitor service level improvements and overall success in enabling a strong security posture that facilitates travel. These dashboards include, in addition to wait times, metrics such as: travel volume, hours staffed, cycle time, and best practices implemented. The dashboards are calculated for each of the major gateway airports down to the terminal level, reported on a monthly basis, and available to the public on CBP.gov/travel. However, it is important to note that CBP does not have a wait time standard or goal; CBP's security mission cannot be jeopardized to meet the mandate of a wait time goal. At the same time, CBP remains committed to its role in facilitating legitimate travel and continues taking steps to improve the international arrivals process.

Given the unique nature of the international arrivals process as encompassing both private and public sector processes, a myriad of factors may affect wait times and a traveler's experience such as gate assignments, walk times, baggage delivery times, runway access, late or early arriving aircraft, and weather. Accordingly, while CBP continues to implement its Resource Optimization Strategy to build greater efficiencies and improve its processes to secure and facilitate travel, CBP also continues to work with the private sector to address challenges in the overall arrivals process.

For example, CBP in partnership with stakeholders at the top 17 airports developed action plans to improve the international arrivals process at each airport. These Airport-Specific Action Plans represent a significant commitment from CBP to examine and improve its business processes to ensure the strictest standards of security while making the overall arrivals process more welcoming, interactive, and secure. The development of these action plans included discussion between CBP and stakeholders of the challenges facing each location and steps that both private and government could take to improve the international arrivals process. The plans incorporate the information discussed and have been used over the last several years to guide improvements.

These initiatives both within CBP and in partnership with the private sector have shown positive results at the top 17 airports, even as travel continued to increase at these locations in fiscal year 2015. Compared to fiscal years 2014 and 2013, average daily traveler volume across these locations increased by 10 percent and 19 percent, respectively. Despite this increase, average wait times decreased by 9 percent from fiscal year 2014 to fiscal year 2015.

In addition to local-level plans specific to each airport's international arrivals facility, the Airport-Specific Action Plans included plans, where appropriate, for increased participation in national-level initiatives to innovate facilitation, such as Global Entry, Automated Passport Control, and Mobile Passport Control. Across the top 17 airports in fiscal year 2015, these automated solutions confirmed a daily average of 35 percent of passengers; an increase from a daily average of 20 percent of passengers in fiscal year 2014.

The data from CBP's latest Traveler Satisfaction survey, administered at the top 25 airports between January and August 2015, also demonstrates the effect of CBP's continued efforts:

- Overall, 93 percent of travelers felt welcomed to the United States.
- The number of travelers who perceived waiting 15 minutes or less increased from 63 percent in 2012 to 88 percent in 2015.
- Approximately 80 percent of travelers were satisfied with CBP officer attributes such as professionalism, being welcoming, efficient, and communicating clearly. Approximately 91 percent of travelers were satisfied with the overall inspection area.

UNATTENDED GROUND SENSORS

Question. Unattended ground sensors (UGS) serve as a key technology component of our Northern and Southern border strategy. However, it appears the underlying technology contained in the vast majority of the Border Patrol's currently deployed UGS have not kept up with recent advances. In fact, technology developed by the Department's own Science and Technology Directorate (S&T) to address known UGS capability gaps has not yet been deployed even though it was thoroughly tested several years ago.

Please update the subcommittee on the Department's plans to deploy UGS containing the improved technology developed by S&T and provide an explanation for the delay in providing this crucial new technology to Border Patrol Agents deployed along our Southern and Northern borders.

Answer. The unattended ground sensors (UGS) industry is rapidly advancing. While CBP strives to maintain the latest technology, it is not always practical or

cost-effective to continually refresh our inventory as new features are released. Many recent advancements can easily increase purchase and operational costs to a level disproportionate to any benefit of new functionality.

Within the past several months, S&T has developed some very promising sensor products that CBP already has deployed in small quantities. Currently there is no manufacturing channel available and the products have limited availability. These products have already demonstrated strong capability with an indication of a low price point. If manufacturing costs are within a reasonable range of prototype costs, CBP may increase its inventory of these devices as soon as an appropriate manufacturing channel is established.

Several years ago, after testing devices from multiple manufacturers, S&T provided feedback and recommendations to industry. Some manufacturers subsequently adjusted hardware and algorithms, and have been working toward the ability to be rapidly integrated with CBP infrastructure at a competitive price point. We will continue to monitor industry's ability to feasibly meet our requirements. As manufacturers present suitable products with a strong cost/benefit ratio, we may further diversify of our inventory.

AGRICULTURE SPECIALIST STAFFING SHORTAGES

Question. CBP's fiscal year 2017 budget submission contains no additional funding to address CBP's Agriculture Specialist (CBPAS) staffing shortage, even though the Agriculture Specialists Resource Allocation Model (AgRAM) shows an approximate need for 630 additional frontline CBPAS and supervisors to address current workloads through fiscal year 2017.

On January 1, 2016, USDA raised Agriculture and Plant Health Inspection Service (APHIS) user fees that support in part CBP's Agriculture Specialist staffing. Prior to this increase in APHIS user fees, CBP's reimbursement rate for full eligible CBPAS expenses in fiscal year 2015 was 84 percent. According to CBP, the APHIS rate change should allow CBP to achieve full cost recovery in fiscal year 2017. CBP's fiscal year 2017 budget submission, however, reflects funding for only 2,417 CBPAS in fiscal year 2017, not the 3,048 CBPAS as called for by the AgRAM.

How does CBP propose to fund the hiring of the additional CBP Agriculture Specialists as called for in your agency's own AgRAM?

Answer. The Agricultural Quarantine and Inspection (AQI) fee increase that became effective December 28, 2015, is anticipated to provide full cost recovery of the current on-board CBPAS positions in fiscal year 2017. The budget submission sustains the reduced appropriated requirement relative to the increase in fees to full cost recovery. Updated projections for AQI collections in fiscal year 2017 are included in the AgRAM model. This model projects that the healthy U.S. economy will generate increased AQI collections capable of supporting the hiring of up to an additional 145 CBPAS in fiscal year 2017. The fiscal year 2017 Congressional Justification does reflect this updated projection for total anticipated CBP AQI fee collections and prior year carryover of \$617.099 million for fiscal year 2017, but does not explicitly list an increase to the number of positions supported by the AQI fees.

As reflected in the AgRAM, this increase in expected collections will reduce the CBPAS requirements gap to only 174 specialists. This assumes the enactment of the COBRA and IUF legislative proposals supported by the fiscal year 2017 President's budget request.

As noted in the CBP fiscal year 2017 Congressional Justification—Operations and Support Appropriation:

The gap in CBP Agriculture Specialist staffing will be mitigated through the expansion of agriculture related Business Transformation Initiatives like the expansion of Enforcement Link Mobile Operations-Cargo (ELMO-c) initiative to outfit CBP Agriculture Specialists with mobile devices. The mobile devices allows CBP Agriculture Specialists to release more cargo in a shorter amount of time since they do not have to return to the office. Full deployment of mobile devices to all CBP Agriculture Specialists is expected to be completed by the end of 2016. Also, The Agriculture Pest Exclusion Coordinator Specialist (APECs) program was expanded during fiscal year 2015. This innovative program expands upon the scientific expertise of our CBP Agriculture Specialist cadre, specifically those who actively seek to increase and exercise their Cargo Release Authority (CRA) and take on the additional responsibility of facilitating trade through the identification of less significant, non-reportable plant pests and organisms. The APECs program, coupled with CRA, allows cargo that is found contaminated with a less significant, non-reportable plant pest to proceed more quickly and efficiently through the POE. The expansion of the APECs program to Nogales, Arizona, Otay Mesa, California, and Laredo, Texas, POEs has facilitated the release of approximately 600 agriculture shipments a month. Collec-

tively, that equates to about 100 staff hours per month saved which is in turn redirected to high risk agricultural exams and activities within the ports. This program will continue to be expanded through fiscal year 2017.

HEROIN

Question. Mr. McAleenan and Mr. Ragsdale, my State of New Hampshire is reeling from heroin and other opioid-related deaths, which have skyrocketed in recent years. I also sit on the Senate Foreign Relations Committee and know that their Bureau of International Narcotics and Law Enforcement Affairs is doing important work in the Western Hemisphere to counter the flow of drugs into the United States.

Could you describe some of the cooperation between CBP, ICE and State's INL Bureau? Are you looking at ways to expand this cooperation?

Answer. The availability and consumption of heroin continues to increase in the United States. A contributing factor for the increase in demand for heroin appears to be related to prescription opioid users switching to cheaper and more readily available heroin. Concurrently, our CBP seizures of heroin also have increased particularly along the United States-Mexico border where interdictions rose 22.3 percent in 2015 compared to the previous year. Heroin seizures along the Southwest border accounted for 84 percent of all heroin seized in fiscal year 2015. Mexico and South America are the two main source countries for heroin entering the United States, combining for 53 and 42 percent respectively.

In response to the threat of heroin and other illicit drugs entering our country, CBP has collaborated with U.S. Immigration and Customs Enforcement (ICE) and with the U.S. Department of State's (DOS) Bureau of International Narcotics and Law Enforcement (INL) to strengthen capacity in our partner agencies and host governments throughout the Western Hemisphere. Supported by INL funding, CBP and ICE provide capacity training including in the areas of narcotics interdiction and enforcement, smuggling, interview techniques, use of non-intrusive inspection equipment technologies and illicit currency interdiction. Underscoring our collaboration is the sharing of information to attack transnational criminal organizations that are behind criminal trafficking and smuggling of drugs, people, contraband, currency, etc.

Within our CBP Office of International Affairs, we maintain a Technical Assistance Division that delivers International Border Interdiction and other training funded by INL to countries in the hemisphere and even worldwide that includes instruction on the principles of smuggling trends, passenger selectivity and targeting, internal carriers (swallowers), currency interdiction, human smuggling, training in vehicle, vessel, and airline searches, post seizure analysis, trend analysis, targeting and risk management, Canine Enforcement Training, Non-Proliferation of Weapons of Mass Effect/Destruction, and training in Narcotics Identification to include laboratory science services training. We believe this training produces results with our partners. For example, on August 25, 2015, Peruvian authorities seized nine kilos of valued at \$1.07 million USD. In the last 6 months, our CBP Technical Assistance Division has conducted anti-smuggling training in heroin and opiate source countries such as Panama, Guatemala, Columbia, Ecuador, Peru, and Mexico in the Western Hemisphere.

Additionally, CBP has deployed seven advisors in Central America since the summer of 2014 to work with host nation counterparts to facilitate technical assistance efforts at and between ports of entry and at land borders and to assist with the development of tactical vetted units. CBP and INL signed a funding agreement to support the advisors, as part of the Central America Regional Security Initiative (CARSI), to continue to provide capacity building and ultimately to place nine permanent advisors throughout Central America.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

PRECLEARANCE

Question. As mentioned in Deputy Commissioner McAleenan's testimony, Secretary Johnson announced on May 29, 2015, the Department of Homeland Security's intent to enter into negotiations to expand air preclearance operations to 10 new foreign airports, located in nine separate countries.

On March 16, 2015, however, the United States and Canada signed an agreement to expand U.S. preclearance operations in Canada in the marine, land, air, and rail sectors. On March 1, I joined with Senator Murkowski to introduce S. 2612, which will facilitate the full implementation of this agreement. Expansion of preclearance

operations under this new agreement with Canada is of particular interest to Vermont, and beneficial to every State in the United States interested in further strengthening and expanding trade and travel.

Once S. 2612 is enacted, what further steps are needed for CBP to move forward on announcing the new rail, air, land, and marine preclearance facilities in Canada?

Answer. To advance progress on the development of preclearance locations announced on March 10, 2016, as part of the Joint Statement of Intent Between the Government of Canada and the Government of the United States of America Regarding Preclearance Expansion ("Joint Statement"), namely Billy Bishop Toronto City Airport, Quebec City Jean Lesage International Airport, Montreal Central Station, and Rocky Mountaineer, the United States-Canada Land, Rail, Marine, and Air Transport Preclearance Agreement (LRMA) must enter into force. Such entry into force requires legislation to be enacted in the United States that provides U.S. courts with appropriate extraterritorial jurisdiction over actions by preclearance officers that occur abroad. At the same time, Canada needs to introduce and pass a bill to provide implementing authority for the LRMA and to replace the existing Preclearance Act along with updating related regulations.

In the United States, the legislation you introduced, S. 2612, the Promoting Travel Commerce and National Security Act of 2016, would provide the necessary authority to exercise extraterritorial jurisdiction.

Currently, our Canadian partners estimate a bill will be introduced in Parliament in June 2016. Once the LRMA enters into force CBP will work with the four locations to ensure they meet all of the terms and conditions of the LRMA, to include cost recovery for the deployment of CBP officers.

With respect to facilities not mentioned in the March 10th Joint Statement, for facilities not mentioned in the March 10th Joint Statement, CBP announced another open season for preclearance expansion this spring whereby interested locations in Canada can submit applications to be considered for preclearance operations under that process.

Question. There are many committed partners on both sides of the Northern border spending time and resources preparing new sites for preclearance expansion. Unfortunately, CBP will only respond to requests for technical advice, stalling progress. Are you willing to work with the Canadian Government and new site applicants in Canada to move forward with facility design approvals as Congress works to pass implementing legislation?

Answer. Yes. In fact, Canada and the United States convened the Preclearance Consultative Group (PCG) on May 10, 2016, to discuss implementation issues at the announced locations and possible expansion to other sites in both countries over the short and long term.

CBP is also willing to work with new site applicants and other interested parties to move forward in the process and have already initiated and led a continuing dialogue with the Pacific NorthWest Economic Region (PNWER).

NORTHERN BORDER STAFFING

Question. I appreciate that CBP has been working hard to fill the 2,000 positions for which Congress allocated funding over 2 years ago. However, I remained frustrated that staffing along the Northern border remains a struggle.

The Consolidated Appropriations Act of 2016 included language requiring CBP to work with OPM to determine how to incentivize deployments and retention of staff along the Northern and Southern borders at such locations already, and to fully staff these locations, and requiring CBP to include an updated workload staffing model with the fiscal year 2017 budget detailing specific staffing and funding for, and implementation of, planned border enforcement initiatives by port of entry.

The Vermont ports of entry received 10 additional positions, 5 in Highgate and 5 in Derby Line. Due to attrition and the slow pace of new hires, ports of entry in Vermont have seen a reduction of 25 officers from 2009 to 2015, and Vermont is also suffering a shortage from its baseline numbers from the new hire sites in Highgate and Derby. What steps will be taken to ensure that ports of entry in Vermont will be fully staffed in 2016?

Answer. Currently, CBP has reached 95.5 percent of the CBPO authorized staffing level in Vermont. As of March 21, 2016, U.S. Customs and Border Protection (CBP) has 41 candidates in the pre-employment hiring process to fill the vacant Customs and Border Protection Officer (CBPO) positions in Vermont.

Question. What measures has the Department implemented to help incentivize staff to fill positions and combat attrition in the hard to staff areas on the Northern border? I believe that hiring locally will help in Vermont. What efforts are in place by DHS in order to hire local residents when positions are available?

Answer. CBP has identified and allocated funding to make available recruitment incentives (which may equal up to 25 percent of base pay for 3 years) for hard-to-fill and remote ports to incentivize applicants to select these locations. CBP has had continuous open announcements for CBPO positions since October 2015 to recruit Customs and Border Protection Officers (CBPO). In the last year, these announcements, open to all U.S. citizens, have generated over 40,755 viable applicants for CBPO positions. CBP has over 1,600 local recruiting events planned for this year to encourage local residents to apply for CBPO positions in their communities. At this time, there are no incentives offered for locations in Vermont; however, CBP continually evaluates the use of incentives for hard-to-fill locations and areas where a critical staffing shortage exists.

Question. Working off the aggregate baseline numbers both for the Northern border and Vermont, where is CBP in respect to reaching your targeted numbers?

Answer. The current CBP Officer frontline staffing numbers for Vermont are as follows: CBP has reached 95.5 percent of the CBPO authorized staffing level, and 83.3 percent of the CBP Agriculture Specialists authorized staffing level. Overall Northern border numbers equals 94.9 of the CBPO authorized staffing level, and 99.5 percent of the CBP Agriculture Specialist authorized staffing level.

The current CBP Border Patrol Agent frontline staffing numbers for Vermont are as follows: CBP has reached 100 percent of its authorized staffing level in Vermont and overall on the Northern border. The overall Northern border target number is 2,047 which is 100 percent of the authorized staffing level for the Northern border.

AIR AND MARINE OPERATIONS

Question. CBP is in the process of realigning its air and marine operations, which will have the net effect of reducing staff at the Plattsburgh Air Unit. While I understand the need to shift resources, I am concerned about the impact these changes are having in providing support to local law enforcement in the sector.

During the past fiscal year, how many requests did the Plattsburgh Air Unit receive for support from local law enforcement and of these requests, how many were they able to fulfill?

Answer. For fiscal year 2015, the U.S. Customs and Border Protection (CBP), Air and Marine Operations (AMO), Plattsburgh Air Unit conducted 134 missions for a total of 303.8 flight hours assisting State and/or local law enforcement.

For fiscal year 2016 year to date, the Plattsburgh Air Unit conducted 21 missions for a total of 41.1 flight hours assisting State and/or local law enforcement.

The AMO Plattsburgh Air Unit did not support 13 requests from State and local law enforcement beginning in fiscal year 2015 through March 28, 2016, for the following reasons:

- Asset Unavailable—Maintenance: 4 No Launches
- Asset Unavailable—Temporarily relocated: 1 No Launch
- Cancelled by Requestor: 5 No Launches
- Information not Timely: 1 No Launch
- Weather: 3 No Launches

Asset No Launch Reason Summary Report

ASSET UNAVAILABLE - MAINTENANCE

Mission Number	Unit	Agency	Agency Group	Scheduled Departure Date	Asset Type	No Launch Reason
MPBG201500018	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	10/8/2014	AS350	ASSET UNAVAILABLE - MAINTENANCE
MPBG201500092	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	10/29/2014	C550	ASSET UNAVAILABLE - MAINTENANCE
MPBG201500509	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	3/19/2015	AS350	ASSET UNAVAILABLE - MAINTENANCE

ASSET UNAVAILABLE - TEMPORARILY

Mission Number	Unit	Agency	Agency Group	Scheduled Departure Date	Asset Type	No Launch Reason
MPBG201500684	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	5/12/2015	AS350	ASSET UNAVAILABLE - TEMPORARILY REASSIGNED

CANCELLED BY REQUESTOR

Mission Number	Unit	Agency	Agency Group	Scheduled Departure Date	Asset Type	No Launch Reason
MPBG201500275	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	1/13/2015	AS350	CANCELLED BY REQUESTOR
MPBG201500453	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	3/5/2015	AS350	CANCELLED BY REQUESTOR
MPBG201500809	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	6/19/2015	AS350	CANCELLED BY REQUESTOR
MPBG201501052	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	9/9/2015	C208	CANCELLED BY REQUESTOR
MPBG201600134	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	12/9/2015	AS350	CANCELLED BY REQUESTOR

INFORMATION NOT TIMELY

Mission Number	Unit	Agency	Agency Group	Scheduled Departure Date	Asset Type	No Launch Reason
MPBG201600476	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	1/14/2016	AS350	INFORMATION NOT TIMELY

WEATHER

Mission Number	Unit	Agency	Agency Group	Scheduled Departure Date	Asset Type	No Launch Reason
MPBG201500002	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	10/1/2014	AS350	WEATHER
MPBG201500058	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	10/14/2014	AS350	WEATHER
MPBG201600123	PLATTSBURGH AIR UNIT (PBG)	STATE & LOCAL	STATE AND/OR LOCAL LAW ENFORCEMENT	12/3/2015	AS350	WEATHER

Question. How is CBP planning to communicate with local law enforcement regarding the availability and scope of support for the coming year?

Answer. The U.S. Customs and Border Protection (CBP), Air and Marine Operations (AMO), Plattsburgh Air Unit will engage in a proactive communication initiative so that the partnering agencies are fully informed of the "Air Support Request" (ASR) process ensuring that their requests are received, vetted, and prioritized accordingly. The communication will include direct contact information for key unit personnel with a contingency option to contact the Air and Marine Operations Center (AMOC); a facility staffed 24/7 to facilitate such requests. The Plattsburgh Air Unit will continue to vigorously assist the various Federal, State, county, local, and Tribal law enforcement agencies in Vermont, New York and New Hampshire.

CHILDREN IN IMMIGRATION COURT

Question. I was appalled to learn recently that children, including those as young as three and 4 years old, are expected to understand immigration law and represent themselves in immigration court. I have already raised this issue with the Attorney General who is responsible for the operation of the immigration courts. But, as the agency representing the government in immigration court, ICE also plays a critical role in allowing this to happen.

Notwithstanding the Department's enforcement priorities, why does ICE pursue removal cases against young children who are not represented by a lawyer in immigration court? Is it ICE's position that a child can adequately represent himself or herself in immigration court without counsel?

Answer. Secretary Johnson's November 20, 2014 memorandum, "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," sets forth the enforcement priorities to which the Department of Homeland Security (DHS) should direct its resources. Unaccompanied children, such as those who unlawfully enter the United States after January 1, 2014, may qualify as enforcement priorities under this memorandum.

Unaccompanied children apprehended by DHS are transferred to the custody of the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR). While caring for unaccompanied children in the United States, ORR is responsible for ensuring that, to the greatest extent practicable, all of these children have access to legal representation and that sponsors of unaccompanied children receive legal orientation presentations.

U.S. Immigration and Customs Enforcement cannot comment further because the issue of legal representation of minors in immigration court is the subject of ongoing litigation: *F.L.B. v. Lynch*, No. 14-1026 (W.D. Wash. filed July 9, 2014).

UNACCOMPANIED CHILDREN

Question. The Administration itself has acknowledged the violence in the Northern Triangle as a humanitarian crisis. As Ranking Member on the Appropriations Subcommittee on State and Foreign Operations, I routinely hear from the Administration about how devastated and dangerous these Central American countries are. In fact, a Department of State Congressional Notification from January 2016 warned that El Salvador risks "losing an entire generation of young people due to violent conflict" and notes that the already stunning rates of violence increased dramatically "following the deterioration of a gang truce forged in 2012, driving a surge of migration of unaccompanied children to the United States."

What steps is ICE taking to ensure that individuals removed from the United States to Honduras, El Salvador and Guatemala, especially those who came to the United States as unaccompanied children, are safely repatriated to their home countries and not placed at risk of serious harm or death upon their repatriation?

Answer. The Immigration and Nationality Act (INA) permits individuals arriving in the United States to seek asylum if they fear returning to their homelands, and U.S. Immigration and Customs Enforcement (ICE) helps ensure that such individuals are able to avail themselves of the robust U.S. asylum process, which includes multiple levels of review and the privilege of being represented by counsel at no expense to the government. Moreover, the Trafficking Victim's Protection Reauthorization Act (TVPRA) 2008 provides specific additional safeguards for unaccompanied children in the immigration enforcement process, including measures related to safe repatriation.¹

ICE has taken the following steps to safely repatriate individuals,² including unaccompanied children, to Honduras, El Salvador, and Guatemala:

¹Pursuant to section 235(a)(5)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, December 23, 2008, 122 Stat. 5044, "the Secretary of State and the Secretary of Health and Human Services, with assistance from the Secretary of Homeland Security, shall submit a[n annual] report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the efforts to improve repatriation programs for unaccompanied alien children." ICE defers to that report for additional information.

²Safe repatriation is a collaborative, inter-agency effort. In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of Homeland Security, in conjunction with the Secretary of State, the Attorney General, and the Secretary of Health and Human Services, develops policies and procedures to ensure that unaccompanied children in the United States are safely repatriated to their country of nationality or of last habitual residence.

HONDURAS

ICE field offices engage as early in the process with the Honduran local consulates as possible to identify, seek reunification, and issue travel documents for their nationals. The ICE attach, in conjunction with the U.S. Agency for International Development and the Department of State, supports the Government of Honduras Taskforce, which was created in 2014 and is responsible for the reception and reintegration of repatriated nationals, especially families and children.

The Government of Honduras does not allow mixed ICE Air Charters (adults and minors) at this time. All adults are removed via ICE Air Operations (IAO) charters, while family units and unaccompanied children are routinely removed via commercial charters, due to low numbers.

ICE ensures all removals are scheduled during local daylight hours. Further, and at the request of the Government of Honduras, these returns are made solely to the San Pedro Sula Airport. Honduras has three operational reception centers in this area, two for adults and one for family units and minors. The reception center for repatriated minors offers food, water, basic medical care, and assistance with family reunification.

EL SALVADOR

ICE takes collaborative steps with the Government of El Salvador to facilitate Salvadoran repatriations and to ensure the safe reception and reintegration of Salvadoran nationals. The Government of El Salvador allows unaccompanied children to be repatriated via IAO charters. However, to date, ICE Enforcement and Removal Operations (ERO) continues to remove all unaccompanied children to El Salvador by deploying escorting ICE ERO personnel on commercial aircrafts. To provide the safest of conditions upon arrival, the ICE office in El Salvador ensures that Government of El Salvador reception coverage and family presence is confirmed and that environmental factors, such as arrival day and time, best mitigate known public safety risks.

Since approximately mid-2012, the ICE office in El Salvador was first to establish a partnership with the International Organization for Migration to develop the technical design of a new reception center based upon a redefined vision, mission, and set of standards for receiving returning migrants. This design drew upon ICE's expertise and best practices in building internal and external partnerships in managing immigration affairs in order to efficiently unify human, information technology, facility, legal, and financial resources from independent agencies. The ICE attach in El Salvador proactively assists the Government of El Salvador with messaging to inform its citizens of the dangers of the illegal journey to the southwest border of the United States and the lack of U.S. immigration benefits.

GUATEMALA

ICE works closely with and supports the Guatemalan agencies responsible for the reception and reintegration of their repatriated nationals. The Government of Guatemala allows unaccompanied children who are over the age of 14 to be repatriated via IAO and are received Monday through Friday between the hours of 9:00 a.m.–1:00 p.m. at the Repatriation and Reception Center. ICE supports the Government of Guatemala by providing technical advice, situational assessments, requests for assistance from other U.S. Government components, and support on peripheral issues.

ICE ARRESTS

Question. I have read with concern reports of a recent incident in Schaumburg, Illinois, in which ICE agents allegedly used false pretenses to lure an individual, Reynold Garcia, out of church in order to arrest him. Please provide complete details of the events leading to ICE's arrest of Reynold Garcia on January 3, 2016. In addition to your complete response, please include answers to the following specific questions.

Answer. U.S. Immigration and Customs Enforcement (ICE) arrested Mr. Garcia in Schaumburg, Illinois, on January 3, 2016, in a McDonald's parking lot. Mr. Garcia was previously removed to Mexico on December 9, 2014, and illegally reentered the United States, making him a Priority 2(c) ICE enforcement priority according to the November 20, 2014 Department of Homeland Security memorandum Policies for the Apprehension, Detention and Removal of Undocumented Immigrants. ICE cannot disclose additional information relating to this alien without a privacy waiver, but ICE officers conduct enforcement actions in accordance with controlling law, including the Fourth Amendment, and applicable ICE guidance, and are trained ac-

cordingly. ICE uses various law enforcement procedures and tactics, such as ruses and other specialized techniques, to locate and arrest aliens subject to targeted enforcement actions. These enforcement actions are conducted in a manner consistent with controlling law and policy, in the interest of successfully locating and effectuating arrests of targeted individuals. ICE's law enforcement procedures and tactics are also utilized in the interest of protecting the safety of the public, the arrestee, and ICE personnel, and to address the growing trend of non-compliance with ICE law enforcement officers when conducting targeted immigration enforcement actions.

Question. Where was Garcia when ICE initiated communication with him? Were ICE agents aware of his location? If so, how? If not, why not?

Answer. ICE cannot disclose additional information relating to this specific alien without a privacy waiver, but ICE officers conduct enforcement actions in accordance with the law, including the Fourth Amendment, and are trained accordingly.

Question. What form did ICE's communication with Garcia take? If it was texts, from whose phone did ICE initiate the texts to Garcia? Please provide a copy of the ICE initiated texts sent to Garcia. What other forms of ICE initiated communication occurred with Garcia that day?

Answer. ICE cannot disclose additional information relating to this specific alien without a privacy waiver.

Question. Did supervisors approve the tactics used by the ICE agents involved in Garcia's arrest?

Answer. ICE Enforcement and Removal Operations Headquarters received details of the encounter from the field office and is satisfied that applicable ICE procedures were followed in the course of this apprehension.

Question. Did ICE work with any local law enforcement agencies in the process of Garcia's arrest?

Answer. No.

Question. What is ICE's policy about contacting targets of enforcement to create an opportunity for arrest? In addition to your complete response, please include answers to the following specific questions:

- Can ICE agents contact people in places of worship?
- Educational institutions?
- Healthcare facilities?
- Are there any prohibited places where ICE officers may not contact targets of enforcement?

Answer. ICE's Policy No. 10029.2: Enforcement Actions at or Focused on Sensitive Locations, issued on October 24, 2011, is designed to ensure that targeted enforcement actions neither occur at nor are focused on sensitive locations, such as schools, churches and hospitals, absent exigent circumstances or prior written approval from specified officials at ICE headquarters.

Question. What steps are ICE agents permitted to take to encourage a target to leave a sensitive location in order to create an opportunity for arrest? Can ICE agents use deception (i.e., using a family member's cell phone? using false pretenses generally?) to encourage a target to leave a sensitive location?

Answer. ICE officers conduct enforcement actions in accordance with the law, including the Fourth Amendment, and are trained accordingly. ICE uses various law enforcement procedures and tactics, such as ruses and other specialized techniques, to locate and arrest aliens subject to targeted enforcement actions. These enforcement actions are conducted in a manner consistent with controlling law and policy, in the interest of successfully locating and effectuating arrests of targeted individuals. ICE's law enforcement procedures and tactics are also utilized in the interest of protecting the safety of the public, the arrestee, and ICE personnel and to address the growing trend of non-compliance with ICE law enforcement officers when conducting targeted immigration enforcement.

Question. Did ICE investigate the conduct of the agent(s) involved in the arrest of Reynold Garcia? If so, what determinations have been made? Specifically, did their actions comply with DHS policy on enforcement actions at sensitive locations such as churches? If so, why? If not, why not?

Answer. Yes, the conduct of the officers involved in this arrest was consistent with ICE Policy No. 10029.2: Enforcement Actions at or Focused on Sensitive Locations (Oct. 24, 2011). The enforcement action was not focused on a sensitive location but rather was focused on a target who was at a sensitive location prior to the enforcement action. Through ICE's actions, an arrest was made without incident away from the church, and without disruption to the functions of the church.

Question. ICE's policies and practices regarding the use of ruses in enforcement operations? If so, why? If not, why not?

Answer. ICE officers, including those involved in this case, conduct enforcement actions in accordance with the law, including the Fourth Amendment, and are trained accordingly. ICE uses various law enforcement procedures and tactics, such as ruses and other specialized techniques, to locate and arrest aliens subject to targeted enforcement actions. These enforcement actions are conducted in a manner consistent with controlling law and policy, in the interest of successfully locating and effectuating arrests of targeted individuals. ICE's law enforcement procedures and tactics are also utilized in the interest of protecting the safety of the public, the arrestee, and ICE personnel, and to address the growing trend of non-compliance with ICE law enforcement officers when conducting targeted immigration enforcement. The actions taken were in accordance with controlling law and applicable ICE guidance.

Question. If ICE has completed an investigation of this incident, please provide the results of the investigation.

Answer. ICE Enforcement and Removal Operations Headquarters received details of the encounter from the field office and is satisfied applicable ICE procedures were followed in the course of this apprehension.

Question. If the conduct of the agent(s) involved violated current policies and practices, does ICE plan to follow up with disciplinary action? If not, why not?

Answer. As noted in above, the actions taken in this case were in accordance with controlling law and applicable ICE guidance.

QUESTIONS SUBMITTED BY SENATOR JON TESTER

Question. Section 605 of the Customs Authorization of 2015 requires Customs and Border Protection to distribute all interest and duties collected under the anti-dumping and countervailing duties (AD/CVD) order covered by the Continued Dumping and Subsidy Offset Act (Byrd Amendment) to the injured domestic industries.

Please provide the total amount of interest payments Customs and Border Protection received under customs bonds for AD/CVD duties by order in fiscal years 2015 and 2016 but withheld from Continued Dumping and Subsidy Offset Act distributions.

Answer. This information is not presently available. CBP is in the process of reviewing payments received by CBP on or after October 1, 2014, that are within the scope of section 605(c)(1)(A) and (B). After the universe of impacted payments is identified, CBP must manually review each impacted entry to ascertain the amount of delinquency interest, equitable interest, and 19 U.S.C. 580 interest that was not previously distributable by law, but which is now distributable pursuant to section 605. Those amounts will be deposited into the CDSOA Special Account for distribution as part of the fiscal year 2016 distribution in November 2016. Additionally, amounts available for distribution in November will be further impacted by additional payments received during fiscal year 2016 and by any re-liquidations that occur between now and the end of the fiscal year.

Question. Please provide the separate totals for the five orders on which the largest amounts of interest were withheld.

Answer. This information is not presently available. CBP is in the process of reviewing payments received by CBP on or after October 1, 2014 that are within the scope of section 605(c)(1)(A) and (B). After the universe of impacted payments is identified, CBP must manually review each impacted entry to ascertain the amount of delinquency interest, equitable interest, and 19 U.S.C. 580 interest that was not previously distributable by law, but which is now distributable pursuant to section 605. Those amounts will be deposited into the CDSOA Special Account for distribution as part of the fiscal year 2016 distribution in November 2016. Additionally, amounts available for distribution in November will be further impacted by additional payments received during fiscal year 2016 and by any reliquidations that occur between now and the end of the fiscal year.

Question. Although section 605 of the Customs Authorization of 2015 does not apply to such interest payments Customs and Border Protection received during fiscal year 2014, please provide the same information as if section 605 did apply to fiscal year 2014 interest payments.

Answer. This information is not presently available. CBP is in the process of reviewing payments received by CBP on or after October 1, 2014, that are within the scope of section 605(c)(1)(A) and (B). After the universe of impacted payments is identified, CBP must manually review each impacted entry to ascertain the amount of delinquency interest, equitable interest, and 19 U.S.C. 580 interest that was not previously distributable by law, but which is now distributable pursuant to section

605. Those amounts will be deposited into the CDSOA Special Account for distribution as part of the fiscal year 2016 distribution in November 2016. In order to provide information concerning fiscal year 2014, CBP would need to perform each of these manual processes for fiscal year 2014. Performance of these processes with respect to fiscal year 2014 would hinder CBP's ability to meet its distribution deadline for the fiscal year 2016 distribution.

Question. Deputy Commissioner McAleenan indicated that Customs and Border Protection would distribute the fiscal year 2015 interest payments subject to section 605 before the end of the year, as is required under the law. Because the government incorrectly withheld this interest from domestic producers, is it possible to provide distributions prior to that date?

Answer. Prior to the enactment of section 605, the Government distributed all 19 U.S.C. 1677g interest that affected domestic producers were entitled to under the law. No interest was incorrectly withheld from domestic producers. Section 605 is new authority to provide for the distribution of delinquency interest, equitable interest, and 19 U.S.C. 580 interest in the circumstances described in section 605(c)(1)(A) and (B), in addition to the 1677g interest that is already distributed. Due to the complex nature of the distribution process, it is not possible for CBP to provide distributions prior to November 2016.

SUBCOMMITTEE RECESS

Senator HOEVEN. And with that, this subcommittee will stand in recess.

[Whereupon, at 4:14 p.m., Tuesday, March 8, the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]