

DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR 2019

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HEARINGS  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS  
SECOND SESSION

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SUBCOMMITTEE ON HOMELAND SECURITY

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**DEPARTMENT OF HOMELAND SECURITY**

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# DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2019

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WEDNESDAY, APRIL 11, 2018.

## DEPARTMENT OF HOMELAND SECURITY

### WITNESS

#### HON. KIRSTJEN NIELSEN, SECRETARY OF HOMELAND SECURITY

Mr. CARTER. I will call today's hearing to order.

Welcome to the subcommittee's first hearing on the Department of Homeland Security's fiscal year 2019 budget.

As we begin our oversight process to fund the Department for fiscal year 2019, I would like to welcome all of our subcommittee members back. Thank you all for being here and for all the hard work you did in 2018. I also extend a special welcome to today's witness, Secretary Kirstjen Nielsen.

Secretary Nielsen, thank you for your time today; more importantly, for all that you and everyone at the Department does for this great country. I look forward to hearing your thoughts on the needs that need to be done to keep our homeland safe, our borders secure. And as we look forward to working with you on these challenges, we hope that you will know that we are working together.

I am pleased to see continued investment in border security. The President's budget request proposes \$1.6 billion for 65 miles of physical barrier. Additionally, the budget request also proposes funding for 52,000 detention beds so that we can continue to enforce our Nation's immigration laws.

We will use this hearing process to learn more about these proposals and how things should be considered in the context of the final 2018 appropriations.

Also noteworthy is the request for \$1.5 billion to modernize our Coast Guard fleet of vessels, including \$750 million to construct a new polar icebreaker. This will be the first of several needed to address the security challenges and economic opportunities facing our Nation. I hope that this hearing process will help us to determine the Department's plans for continuing this effort and achieving the United States' strategic goals in the Arctic.

Finally, I would like to welcome back my good friend, the ranking member, Lucille Roybal-Allard. While we don't always agree on policy, we do agree that, working together, we can get and produce a better product. For that, I want to thank her and recognize her for any remarks she would like to make.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman.

Good morning, Madam Secretary, and welcome to your first appearance before our subcommittee.

While still relatively new, the Department has made significant progress in improving its operations and performance, which is something that DHS personnel, all 240,000 of them, can be very proud.

While there is broad bipartisan support for the Department's mission of protecting the homeland, there are differences of opinion on some of the policies the Department follows to achieve that mission.

I wish that today we were convening under better circumstances. This would allow us to focus more on the positive things the Department is doing, including significant improvements over the last decade to our border security.

It would help if our country's immigration debate was on a more constructive footing, one based on facts, our American values, and compromise that could lead to a comprehensive resolution to the immigration challenges we all face together.

Unfortunately, the path to a compromise solution by this Congress and between the Congress and the President seems steeper today than ever. This not only makes your job more difficult, it also causes confusion, fear, and uncertainty within our American immigrant communities, among our educators, our business sector, and our nonprofit and social service organizations.

Many have come to Washington to express their concerns and to highlight the valuable contributions immigrants are making to our national economy and American society as a whole.

Unfortunately, these contributions and the dire circumstances that caused individuals to cross our border illegally or appear at a port of entry without admissibility documentation are too often ignored, and immigrants are broadly characterized as criminals or opportunists trying to take advantage of our American generosity.

Regrettably, the administration's rhetoric and aggressive interior enforcement contribute to that perception and is wrongfully demonizing the immigrant community, tearing families apart, and upending the lives of millions of people.

Madam Secretary, you have the authority to help alleviate some of this fear and confusion by using your discretion under the law to prioritize how the Department enforces immigration laws and carries out policies.

The vast majority of immigrants are good, hardworking members of our community, with no criminal records. Many have lived among us for years or decades, raising their families, paying taxes, and contributing to our communities. Some came to escape violence, others to seek a better life for themselves and their family.

The fact that they arrived without permission, most out of fear or desperation, does not mean we should systematically ignore their plight and contributions to our communities and automatically return them to the circumstances that brought them here in the first place. And we most certainly can treat them and their family humanely, with respect, understanding, and compassion.

Another responsibility of USCIS is to conduct credible, fair interviews of individuals arriving at our borders seeking asylum. Under our laws, as well as under our international agreements, we have committed not to return someone to a country where their life or liberty would be threatened.

While not everyone who applies for asylum will receive it, we have an obligation to make sure every asylum seeker gets the opportunity for their case to be heard. And while we do not have the capacity to help every deserving refugee, we can help more than we do now, and we can treat them all humanely and compassionately.

In closing, Madam Secretary, let me be perfectly clear. My Democratic colleagues and I fully support securing our borders, and we understand the need and the importance of enforcing our immigration laws. Our objective is to ensure we accomplish those goals in a way that is just and humane, reflective of our American values and moral standing in the world. I look forward to working with you towards those goals.

Thank you, Mr. Chairman.

Mr. CARTER. Thank you, Ms. Roybal-Allard.

We are joined by the chairman of the full committee, Rodney Frelinghuysen. I yield to Mr. Frelinghuysen.

Mr. FRELINGHUYSEN. Well, thank you very much. Thank you, Mr. Chairman. It is good to get here under the wire.

Let me say on behalf of my ranking member, Mrs. Lowey of New York, who I think will be joining us—we are running around from hearing to hearing—it is a pleasure to welcome you, Madam Secretary, and wish you, obviously, Godspeed in your endeavors. We look forward to your testimony and any frank comments you have.

I often say at every committee we represent and look after and have the power of the purse. So while much time is spent with the authorizers, we actually are the bill payers. So it is important that you keep us posted. And as things accelerate and focus on border security, it is better to be briefed than read about in the newspaper some of the things that are happening.

I know you have a large and diverse portfolio under you. So does the Department of Defense. But for Members of Congress, it is good for us to sort of be well informed, hopefully, before certain actions are taken so they are not misunderstood or misinterpreted.

Just say on a personal note, I come from a 9/11 State. Seven hundred New Jerseyans died on that day in September, many of them my constituents. We continue to have a focus on what is called UASI, the Urban Area Security Grants. I know that the President may propose; we dispose. There is less money in that account.

But for many of us in our neck of the woods, we take it pretty personally, since those dollars have been used to safeguard a lot of our infrastructure. They also have been used to protect a lot of non-profits and faith-based groups that are subject to the type of terror that is all too common around the world and around the Nation.

I want to wish you all the best in your efforts with the Department of Homeland Security. It is amazing, since we have watched your predecessors, how it all comes together, all these different authorities and programs and departments that are under your jurisdiction.

So thank you, Mr. Chairman, for the time.

Mr. CARTER. Thank you.

Madam Secretary, we are very happy to have you. We will now hear you summarize your testimony. We have your written testimony. At this time I yield the floor to you.

## OPENING STATEMENT OF SECRETARY NIELSEN

Secretary NIELSEN. OK. Thank you.

Chairman Carter, Ranking Member Roybal-Allard, it is my pleasure to be here.

I just want to start by saying that you have my commitment to work with you all. I agree with many of the comments that you have made. It is very important for us to brief you and give you the information that you need to do your job as directed by the Constitution and the expectations of all of our constituents. So I look forward to doing that.

I am honored to present the President's 2019 budget request for the Department of Homeland Security [DHS] and to discuss how that budget will keep us and the American people safe.

Let me first take a moment again to thank the subcommittee, particularly for the \$48.2 billion provided to the Department in the recently passed Consolidated Appropriations Act. The support of this subcommittee, as you know, is critical to advancing the many DHS missions, and I truly thank you for your continued support.

The President's 2019 budget builds on the 2018 budget and requests \$47.5 billion in net discretionary funding for the Department of Homeland Security. It also includes an additional \$6.7 billion for the Disaster Relief Fund for response and discovery to major disasters.

Today, I would like to outline several core missions empowered by this budget and quickly walk through how the budget matches our needs. First, securing and managing our borders, enforcing our immigrations laws. Two, protecting our Nation from terrorism and countering threats. Three, preserving and upholding the Nation's prosperity and economic security. Four, securing cyberspace and critical infrastructure. And five, strengthening homeland security preparedness and strengthening resilience.

Within all of these missions, we are aiming to put our employees first and to empower our frontline defenders to do their jobs. This is of particular importance to me. We recently celebrated our 15th anniversary. It was a time to reflect and thank those who have worked every day to protect our country, but it is also a very sobering time because of why we were created.

At this level and this need for the addition to mature our Department, it is very important that we empower those frontline men and women, and I know you share that goal, and I thank you.

For border and immigration, first, we are focused on securing and managing our borders and enforcing our immigration laws. Although we have made vast improvements in border security over the last 15 months, we continue to see unacceptable levels of illegal drugs, dangerous gang and transnational criminal organization [TCO] activity, and illegal immigration flow across our southern border.

I take the ranking member's opening comments to heart. I do not believe that there should be a choice. We should be able to protect those who need asylum, as well as prevent those who seek to do us harm from crossing our border.

The current statistics from March 2018 tell a dangerous story. Overall, the number of illegal aliens encountered at the border in-

creased more than 200 percent when compared to this same time last year.

Perhaps more troubling, the number of unaccompanied alien children encountered has increased more than 800 percent and the number of families encountered increased more than 680 percent. We also have seen a 37-percent increase in drug seizures at the border in March alone.

Although these numbers are at times higher or lower than in years past, it makes little difference. They are unacceptable, and they must be addressed. We must do more to secure our borders against threats and illegal entry and close dangerous loopholes that are making our country vulnerable.

We have been apprehending gangs, TCOs, and aliens at the border with historic efficiency, but illicit smuggling groups understand that our ability to remove those who come here illegally, unfortunately, does not keep pace. They have discovered and continue to exploit legal loopholes to avoid detention and removal and have shown no intention of stopping.

These legal loopholes are strong pull factors that entice those looking to circumvent our laws, in particular, the smugglers. For border security to work, violation of the law must have consequences. As I have said many times, interdiction without the ability to promptly remove those without legitimate cause is not border security. It undermines our national security.

This budget would invest in new border wall construction, technology, and infrastructure to stop illegal activity.

I also would be remiss if I did not say that one of the greatest investments is in our people: recruiting, hiring, and training additional U.S. Border Patrol agents, additional U.S. Immigration and Customs Enforcement [ICE] officers, and, additionally, enabling personnel to help carry out these important missions.

Second, we must protect our Nation from terrorism and decisively counter threats. This is the reason the Department was created, and it remains a cornerstone of our work.

Terrorists are adapting. They are taking an all-of-the-above, do-it-yourself, learn-it-on-the-internet approach to spreading violence. This includes promoting attacks on soft targets using homemade weapons, and it includes crowdsourcing their violence through online radicalization, inspiration, and recruitment.

But they also remain focused on conducting sophisticated attack methods, including concealed weapons and weapons of mass destruction, and modifying new technologies, such as drones, into deadly weapons.

This budget ensures that our defenses keep up with the innovation of our enemies. For instance, it allows TSA [Transportation Security Administration] to deploy advanced tools to detect threats, it funds new CBP [U.S. Customs and Border Protection] initiatives to identify high-risk travelers, it ramps up our defenses against weapons of mass destruction, and it provides vital funding to protect soft targets, from concert venues to schools, against attack.

Third, we are focused on preserving and upholding the Nation's prosperity and economic security. On an average day, to put this in perspective, the Coast Guard facilitates the movement of \$8.7

billion worth of goods and commodities through the Nation's maritime transportation system.

At our Nation's 328 air, land, and sea ports of entry, U.S. Customs and Border Protection welcomes nearly 1 million visitors, screens more than 67,000 cargo containers, arrests more than 1,100 individuals, and seizes nearly 6 tons of illicit drugs.

Annually, CBP facilitates an average of more than \$3 trillion in legitimate trade while enforcing U.S. trade laws and processing more than \$2.4 trillion in international trade transactions each year.

The President's budget helps to provide critical resources to these efforts to keep our country competitive and to advance the prosperity of our people. The budget also will help us to continue efforts to keep foreign adversaries from stealing our trade secrets, technology, and innovation.

Fourth, we must secure cyberspace and critical infrastructure. This has much been in the news. It will continue to be in the news. It is a very important threat that we face.

Our networks are under attack constantly from all corners of the physical world. That is why DHS is taking historic strides to address systemic cyber risks, secure dot-gov networks, and strengthen the security and resilience of critical infrastructure, in coordination with our partners.

The budget would also enable DHS to support State and local election officials in defending the integrity of our election systems. As you know, the Department's mission is to provide assistance to election officials in the form of advice, intelligence, technical support, and instant response planning, with the ultimate goal of building a more resilient and secure election enterprise. We must do this.

Through investing in hardware, software, intrusion detection, and analytical capabilities, we are better able to secure the digital ecosystem that makes our American way of life possible.

Fifth, and finally, is a core mission of DHS to strengthen homeland security preparedness and achieve national resilience. I look forward to working with you on this. In some of the opening remarks, you mentioned some of our grant programs. We must ensure that the grant programs meet the purpose for which they were created and that they adequately support our State and local partners.

Last year, our country experienced one of the most costly and damaging seasons from natural disasters in its history, with the cumulative cost exceeding \$3 billion.<sup>1</sup> Through the Federal Emergency Management Agency and in cooperation with our State, local, tribal, and territorial governments across the country, we will devote the resources and attention needed to ensure recovery. But we must also help communities across our Nation create a culture of preparedness to be more resilient to disasters.

A culture of preparedness is a national effort to be ready for the worst disasters at the Federal, State, local, Tribal, territorial, community, family, and individual levels. This budget helps us with these efforts and supports the Disaster Relief Fund, which, as we

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<sup>1</sup>[CLERK'S NOTE: The correct amount is \$300 billion.]



all know, is necessary to help State and local governments respond and recover from catastrophes.

In short, we need to empower the men and women of the Department to carry out these missions by giving them the resources and authorities they need. We need a fully funded budget that matches our mission, and I look forward to working with you.

In addition to the various mission areas mentioned today, I am also firmly committed to maturing the Department and putting our employees first. I ask the committee to support this budget, support our employees, support our missions, and help us make our country more secure.

It is an honor to serve alongside the men and women of the Department of Homeland Security who work tirelessly to secure our country. They are often unrecognized. I would like to take this opportunity to thank them for their service.

I thank you for your time, and I look forward to your questions. Thank you for the opportunity to appear before you.

[The information follows:]



**WRITTEN TESTIMONY**

**OF**

**KIRSTJEN M. NIELSEN  
SECRETARY  
U.S. DEPARTMENT OF HOMELAND SECURITY**

**FOR A HEARING ON**

***“THE FISCAL YEAR 2019 DEPARTMENT OF HOMELAND SECURITY  
BUDGET”***

**BEFORE THE**

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY**

**Wednesday, April 11, 2018**

**Washington, DC**

Chairman Carter, Ranking Member Roybal-Allard, and distinguished Members of the Subcommittee:

It is a privilege to appear before you today to discuss the Department of Homeland Security's (DHS) crucial missions and to present the President's Fiscal Year (FY) 2019 Budget request for the Department.

The men and women of DHS are exceptional and dedicated professionals who are on watch 24 hours a day, 365 days a year protecting Americans from threats by land, sea, air, and in cyberspace, while also promoting our Nation's economic prosperity. They work tirelessly to strengthen the safety and security of our Nation from persistent and emerging dangers, including terrorists, transnational criminal organizations, rogue nation states, and natural disasters.

The FY 2019 Budget request provides funding to advance core DHS missions. It sustains and strengthens our most critical programs and capabilities and places emphasis on protecting our nation from terrorism and countering threats; securing and managing our borders and enforcing our immigration laws; preserving and upholding the nation's prosperity and economic security; securing cyberspace and critical infrastructure; and strengthening homeland security preparedness resilience. DHS will also build a culture of efficiency on the foundation of agency reform efforts to ensure accountable, effective, and efficient operations.

The FY 2019 President's Budget for DHS requests \$47.5 billion in net discretionary funding and an additional \$6.7 billion for the Disaster Relief Fund (DRF) for response and recovery to major disasters.

This Budget would make crucial investments needed to secure our borders against threats and illegal entry. The request includes recruitment, hiring, and training of 750 additional U.S. Border Patrol Agents, 2,000 additional U.S. Immigration and Customs Enforcement (ICE) law enforcement officers, and more than 1,500 support staff needed to more robustly execute the Department's border security and immigration enforcement missions. It also funds construction and renovations at the Federal Law Enforcement Training Centers to meet increased training requirements for DHS.

Investments in our layered defense at the border would include 65 miles of new border wall construction in the highest-traffic zones along the southwest border, as well as priority tactical infrastructure, border security technology improvements, and aircraft acquisition. The Administration also reiterates the unfunded wall requests from the FY 2018 Budget in addition to the investments outlined in the FY 2019 Budget. These investments ensure DHS law enforcement personnel are supported with effective surveillance technology and equipment to improve their ability to detect and interdict illegal activity.

The FY 2019 President's Budget includes funding for 52,000 detention beds, including 2,500 beds reserved for family units, to ensure that apprehended aliens who are subject to removal from the United States—such as illegal border crossers, criminal aliens, and national security threats—are detained in safe and secure detention facilities pending their removal. For

apprehended aliens who are not considered a threat to our communities, but who may pose a diminished flight risk, the President's Budget would fund ICE's Alternatives to Detention Program to provide intensive supervision for up to 82,000 average daily participants through a combination of home visits, office visits, alert response, court tracking, and electronic monitoring. Proposed funding for removal operations will facilitate the complex coordination required to return aliens safely and expeditiously to their home countries and pay for transportation costs.

Unfortunately, some of these critical missions are impeded by jurisdictions that refuse to cooperate with DHS in the enforcement of federal law. This makes it more dangerous for federal agents and officers to do their jobs. And it creates a greater threat to public safety, and results in greater expense to American taxpayers. I hope the Committee will work with DHS to help make sure jurisdictions around the country do not harbor criminal aliens or put the men and women of DHS at risk while they are doing their jobs to protect the public.

The Budget gives our frontline operators the tools and resources they need to more aggressively disrupt and dismantle transnational threats. It would advance the Administration's efforts to block terrorists, criminals, and other nefarious actors from reaching the United States and exploiting our immigration system. It would further integrate intelligence into DHS operations to make sure rapid changes in the threat environment are met with a near-real-time change in our response. And it proposes funding across the Department for initiatives that will help us keep pace with adaptive enemies and new threats.

For example, the Budget focuses on bolstering DHS activities to counter transnational criminal organizations (TCOs). TCOs are facilitating the illicit flow of opioids and other deadly substances into America. The drugs and violence they import are a threat to the homeland, which is why we are focused on ramping up counter-TCOs activities. The Budget bolsters the capacity of ICE/HSI special agents to conduct transnational criminal investigations, and it provides funding to support law enforcement hiring and workload growth consistent with this mission, including \$105 million for critical training, IT, facility support infrastructure, and wiretaps associated with ICE's proposed increased staffing and workload.

The Budget proposes essential funding to implement the President's executive orders to intensify vetting of U.S.-bound travelers and individuals in our immigration system. Since the beginning of last year, DHS has undertaken historic efforts to improve every phase of the vetting process so that we can be more confident in knowing who is coming into our country—and more capable of identifying nefarious actors. This includes making applications more rigorous, deepening background checks, tightening travel and arrival screening, and enforcing foreign government information-sharing requirements. The Budget will facilitate the stand-up of the newly announced National Vetting Center (NVC), which will become a central U.S. Government hub for fusing intelligence, law enforcement, and homeland security data to enhance the vetting process. A detailed implementation plan is currently under development to identify NVC capacity and operational needs that will inform future budget requests.

Additionally, DHS is seeking to provide critical resources to the U.S. Coast Guard (USCG) to better defend the nation against transnational threats and natural disasters. The USCG secures

our maritime borders by operating up to more than 1,500 miles offshore to extend the Nation's security and to enforce laws. During the 2017 hurricane season, the USCG, working alongside the Federal Emergency Management Agency (FEMA), was prepared and immediately responded to the needs of our citizens and partner nations. Their unique blend of statutory authorities combines civil law enforcement, response, and prevention with military service capabilities, resulting in an extremely agile force capable of responding to any significant event or emergency.

The FY 2019 President's Budget requests \$1.9 billion for the recapitalization of USCG assets. This funding provides for a new Offshore Patrol Cutter, four Fast Response Cutters, and the Nation's first new heavy Polar Icebreaker in more than 40 years, providing an advanced command, control and communications platform capable of operating in the harshest environments. It also provides for timely and necessary sensor and service-life extensions to aircraft and improvements to shore infrastructure. These are the investments we need to be making to defend our territory, and I hope the Committee will support our requests.

We are also seeking important cybersecurity enhancements. This Committee knows that the dangers we face online are serious, and they emanate from hackers, TCOs, nation-states, and other nefarious actors. DHS is on the digital frontlines of this fight and is undertaking historic efforts to safeguard the Federal Government's civilian information technology systems and to work with all levels of government, international partners, and business sectors to share cybersecurity information and build resilient systems.

The President's Budget would continue investments in cybersecurity initiatives that protect federal networks and address identified vulnerabilities. More than \$644 million is requested for DHS's Continuous Diagnostics and Mitigation program and the National Cybersecurity Protection System program, commonly referred to as EINSTEIN, which provide network monitoring tools, intrusion prevention, intrusion detection, and analytical capabilities that strengthen the cybersecurity of federal civilian departments and agencies.

The threat is real, and we know that a sophisticated adversary can put the foundations of our democracy at risk through cyberattacks, which is why our request for FY 2019 would also make sure DHS is positioned to counter foreign meddling by supporting state and local election officials in defending the integrity of election systems. The Budget also would provide \$158 million to secure the Nation's interoperable emergency communications capabilities that enable first responders and government officials to continue to communicate in the event of natural and man-made disasters.

Moreover, DHS is seeking to ramp up "soft target" security efforts. From terrorist attacks to school shootings, we have seen public areas continue to be struck by violence. Our National Protection and Programs Directorate (NPPD) is helping to lead the charge on soft target security. The President's Budget would provide almost \$12 million for the establishment of the Soft Target Security Program which would expand NPPD's capabilities to reduce the risks to these locations through a mix of technology integration, targeted threat information sharing, training, and improved standards for security. This program will provide a more comprehensive, innovative, and coordinated approach to address threats to soft targets—including schools,

entertainment venues, major events, and public spaces.

Our wider transportation system also faces persistent and emerging threats, as terrorists adapt their tactics to target airlines, airports, and other transportation hubs. The President's Budget was built to confront these challenges. It would add 687 TSA screeners and 145 additional computed tomography systems in order to stay ahead of our enemies, especially by helping to better detect concealed explosives, threat devices, and suspicious passengers. This budget would also provide an increase of nearly \$27 million for CBP's National Targeting Center to improve our capabilities to identify high-risk individuals and cargo both entering and leaving the United States in the air, land, and sea environments.

Similarly, we are seeing an evolution in the danger posed by chemical, biological, radiological, and nuclear agents. That is why in December I announced the establishment of a DHS Countering Weapons of Mass Destruction Office (CWMD). I call on Congress to permanently authorize this Office and to ensure we have the authorities needed to protect Americans against such deadly agents. Already, CWMD has been at the forefront of driving the Department's response to recent threat streams and incidents. The President's Budget supports CWMD's efforts to mitigate security vulnerabilities, and includes \$75 million for the acquisition and deployment of nuclear, chemical, radiological, and biological systems to support operational customers, including enhanced Radiation Portal Monitors and other programs to support scanning of cargo entering the Nation. In addition, it includes \$65 million for capability building, including outreach efforts necessary to ensure federal, state, local, tribal, territorial, and international partners are enabled to support the WMD detection mission.

The President's Budget recognizes that *homeland security* is central to *economic security*. It would provide funding to ensure DHS components are able to facilitate lawful trade and travel, mitigate threats, hold violators accountable, counter foreign economic aggression, and advance America's economic interests. For instance, the Department is focused on maintaining a level playing field for the \$2.4 trillion dollars of imports crossing our border each year, which is why the President's Budget includes funding to enhance the Automated Commercial Environment (ACE) and to put more attention on high-risk imports while facilitating smaller, legitimate shipments more quickly. The request also includes funding for additional attorneys, trade specialists, and financial specialists to provide adequate support for trade facilitation and enforcement activities.

The men and women of the U.S. Secret Service (USSS) also protect our Nation's financial infrastructure, and the FY 2019 Budget supports the USSS in its use of advanced technologies and task force partnerships to enforce counterfeiting laws and to safeguard the payment and financial systems of the United States from financial and computer-based crimes. The agency also protects our highest elected officials, visiting foreign dignitaries, select Federal facilities, and major events. The request would allow for an additional 450 USSS agents, officers, and professional staff and would fund critical protective infrastructure and technology upgrades.

Last year our country experienced one of the most costly and damaging seasons for natural disasters in recent history. DHS is committed to helping our communities in the wake of these catastrophic events, and the Federal Emergency Management Agency (FEMA) will devote the

resources and attention needed—in cooperation with state, local, and tribal governments across the country—to ensure we recover. The President’s Budget supports the DRF, which sustains FEMA’s response and recovery efforts and funds a variety of federal assistance programs that enable state and local governments to prevent, protect, respond, and recover from incidents of terrorism and other catastrophic events. The Budget also focuses on other efforts that will help create a “culture of preparedness” nationwide and make our nation more resilient to disasters.

The 2019 President’s Budget is committed to ensuring that every American dollar is spent wisely, and DHS continues to identify efficiencies to meet this goal. The Budget funds the construction of a new headquarters building for FEMA at the St. Elizabeths campus, which will consolidate a wide range of DHS entities in a common location when complete. This will not only foster integrated decision making and collaboration, but it will provide for more efficient use of shared resources across the Department, while also reducing the Department’s rent costs.

Ultimately, the President’s FY 2019 Budget request recognizes current fiscal realities, as well as the persistent and evolving dangers we face. We have outstanding men and women working at DHS committed to protecting our homeland and the American people. You have my commitment to work tirelessly to ensure that they are equipped and empowered to do their jobs. And I appreciate your support in doing so.

Thank you again for the opportunity to appear before you today and for your continued support of DHS. I remain committed to working with Congress, and I look forward to forging a strong and productive relationship to secure our homeland.

I am pleased to answer any questions.

## DEPARTMENT OF HOMELAND SECURITY: VISION

Mr. CARTER. Thank you very much for your testimony. We are on timed questions, 5 minutes for each questioner.

I am going to start out with a pretty simple question. You have been on the job for about 4 months. Been at the Department for far longer than that. On the subject matter, working on it longer than that.

I want you to tell us, what is your vision for the Department of Homeland Security? What do you see as the Department's biggest challenges? And how does this budget request help meet those challenges?

Secretary NIELSEN. So the five mission areas—and I will add the sixth there, which is to support our employees and champion them—form the basis of my priorities.

My vision for the Department is a department that is agile, that can respond to the threats we face tomorrow and the next day, not just the threats that we faced before.

To do that, we need to relook at our programs and make sure that they are efficient. We need to leverage capabilities and capacities across the Department. We have a variety of ways in which we do that, as you know. Some of the task forces would be an example.

Cyber is an area that I am particularly looking at. We have wonderful capabilities within the Secret Service, within ICE, NPPD [National Protection and Programs Directorate]. We must bring them all together, including the research and development angle, so that we can provide the best service to the American people.

So in short what I would I say, sir, is I am looking at maturing the Department. How can we do this better, faster, smarter, and make sure that we stay ahead of the threats that continue to evolve?

Mr. CARTER. And in some instances you are going to have to challenge implanted ideas and you are going to have to make those ideas—because this is not an easy task. That is why I asked about the challenges, because a lot of the departments in our Federal Government are entrenched with, "We have never done it that way before, therefore we can't do it that way."

And from the way you envision—and I commend you for your vision—I am going to suggest to you those are going to be your challenges. We will help you meet those challenges.

Secretary NIELSEN. Thank you.

Mr. CARTER. You have got to be willing to shake them up. And if you shake them up—

Secretary NIELSEN. Sir, we certainly are.

Mr. CARTER. You look like you might be able to do that.

I will now yield to Ms. Roybal-Allard.

## DETENTION: PREGNANT WOMEN

Ms. ROYBAL-ALLARD. Let me begin by agreeing with the chairman that we will work together to help you meet those challenges.

As you probably know, in October 2017 I sent a letter signed by 69 of my colleagues to then-Acting Homeland Security Secretary



Elaine Duke regarding our concerns about pregnant women in detention facilities.

Reports show that ICE detained nearly 68,000 women in fiscal year 2017, of whom 525 were pregnant. Our letter included confirmed stories of women who suffered miscarriages and received inadequate medical care while in detention.

Additionally, our letter asked for statistics on the number of pregnant women in detention and asked about ICE and CBP policies regarding the treatment of pregnant women.

We have yet to receive a response to our letter, but we continue to hear reports about pregnant women who have been transferred between facilities multiple times, with extremely restricted access to food and restrooms, and who are denied extra blankets, additional food, and adequate prenatal care.

It is my belief that no pregnant woman should be forced to live in a facility that lacks adequate medical care or can endanger their unborn child, which is what these women are facing.

On March 29, ICE released a new policy on detaining pregnant women. ICE's previous policy had a presumption of release and detained women only if their detention was required by law or due to extraordinary circumstances. However, ICE's new policy detains pregnant women on a case-by-case basis.

Is any effort being made to look into alternatives to detention programs that provide dignity and adequate care for pregnant women and their unborn child?

And also are there any reporting requirements in place to ensure that you are made aware of any rise in the incidence of negative outcomes for pregnant women and their unborn children, such as miscarriages, other pregnancy complications, or mental health challenges related to detention?

Secretary NIELSEN. First, let me just start by sharing your concerns. There is no room in any enforcement agency to treat anybody without the particular respect and care that they need. So this is a high priority for me.

We have looked into the detention policies at CBP and ICE. You would be surprised to learn that some of them are very detailed. For example, CBP checks the temperature in all of its detention facilities per hour.

So I suspect that some of these cases are outliers. It is not an excuse. We must address each one. But what I would like to offer is that my staff come and brief you comprehensively on this.

When we get to ICE—let's start with ICE—we do screen any female detainee ages 18 to 56 to see if they are pregnant. We then offer them a variety of services, everything from counseling to remote access to specialists. We certainly offer them help with special needs that they might have, depending on how their pregnancy is.

CBP, as you know, has them for a smaller amount of time, generally speaking, before they are transferred to ICE. CBP has similar standards.

But these cases concern me. What I would like to ask in return is, if we could be provided specific examples, we would like to investigate them. Our OIG [Office of Inspector General] investigates any case that is brought to its attention, as does the Office of Professional Responsibility.

But in short, I am committing to you that we will ensure that any pregnant woman in our care in detention receives adequate care.

Ms. ROYBAL-ALLARD. Well, the fact is that there are numerous cases that have been documented that show that there has been either the mistreatment or the neglect of pregnant women and in those cases have suffered from miscarriages, as I said in my questioning statement.

So I would like to work with you on that, because there may be policies in place that either are not being followed or that in some cases the agents or officials aren't aware of. And therefore it may be a matter of getting that information out.

But I think that one thing that would be very helpful is if, in fact, there were reporting requirements that would keep you currently informed of any problems that were happening in the detention centers with regards to miscarriages or other health issues of pregnant women. And would you be willing to maybe put together that kind of a reporting requirement to keep you and the members of this committee informed about that?

Secretary NIELSEN. Yes, ma'am.

Ms. ROYBAL-ALLARD. OK. Thank you. I appreciate that.

Do you know when we can expect a response to that letter?

Secretary NIELSEN. Yes. Let me commit that we will get you a response to that letter by the end of this week.

Ms. ROYBAL-ALLARD. OK.

And also, Mr. Chairman, for the record, I would like to submit a letter that is being sent to Director Homan with about 200 or more agencies who are concerned about the new detention standard.

Mr. CARTER. Without objection.

[The information follows:]

April 11, 2018

Thomas D. Homan  
Deputy Director and Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement  
500 12th St. SW  
Washington, D.C. 20536

SCANNED/RECEIVED  
BY EXEC SEC  
2018 APR 12 AM 7:40

Dear Deputy Director Homan:

As organizations that are committed to protecting civil rights and human rights, we are deeply concerned about the new U.S. Immigration and Customs Enforcement (ICE) directive—issued on December 14, 2017, and made public on March 29, 2018—which eliminates the presumption that ICE should not detain pregnant individuals except in extraordinary circumstances and removes critical reporting requirements regarding the treatment of pregnant individuals. We urge ICE to discontinue its policy of detaining pregnant individuals, who should be able to access the critical healthcare services they need, and instead release them to continue their cases outside of detention. We also call on ICE to reinstitute a presumption that pregnant individuals should not be subject to detention. No one, regardless of immigration status, should be denied necessary reproductive healthcare.

Even before ICE's recent announcement of a shift in policy, the immigration detention system had proven itself incapable of handling the healthcare needs of vulnerable populations, including those with serious medical and mental health needs. A complaint filed with the Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) and Office of Inspector General (OIG) in September 2017 detailed numerous cases of inadequate care and mistreatment, including reports of inaccurate pregnancy tests and delayed access to prenatal care, threatening both the pregnant individual's health and the health of their fetus.<sup>1</sup> Some women have tragically suffered miscarriages while being held in detention. Nursing mothers report not being given information about or supplied with breast pumps that would allow them to maintain their milk supply while separated from their children.<sup>2</sup> ICE's policy change will likely result in more pregnant individuals in detention and pregnant individuals detained for longer

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<sup>1</sup> Increasing Numbers of Pregnant Women Facing Harm in Detention, Administrative Complaint filed with Office for Civil Rights and Civil Liberties, and the Office of the Inspector General, September 26, 2017, available at:

[https://www.americanimmigrationcouncil.org/sites/default/files/general\\_litigation/complaint\\_increasing\\_numbers\\_of\\_pregnant\\_women\\_facing\\_harm\\_in\\_detention.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_increasing_numbers_of_pregnant_women_facing_harm_in_detention.pdf)

<sup>2</sup> National Women's Law Center, *If You Really Care about Justice for Immigrant Women in Detention, You Should Care about Reproductive Justice*, October 2013. [https://nwc.org/wp-content/uploads/2015/08/detention\\_rj\\_factsheet\\_10-16-13.pdf?link\\_id=12&can\\_id=268daf1da4700cdc2415e42398d76660&source=email-your-apeye-on-the-hill-immigration-medicaid-jane-moe&email\\_referrer=email\\_285349&email\\_subject=your-apeye-on-the-hill-immigration-medicaid-jane-moe](https://nwc.org/wp-content/uploads/2015/08/detention_rj_factsheet_10-16-13.pdf?link_id=12&can_id=268daf1da4700cdc2415e42398d76660&source=email-your-apeye-on-the-hill-immigration-medicaid-jane-moe&email_referrer=email_285349&email_subject=your-apeye-on-the-hill-immigration-medicaid-jane-moe)

[https://nwc.org/wp-content/uploads/2015/08/detention\\_rj\\_factsheet\\_10-16-13.pdf?link\\_id=12&can\\_id=268daf1da4700cdc2415e42398d76660&source=email-your-apeye-on-the-hill-immigration-medicaid-jane-moe&email\\_referrer=email\\_285349&email\\_subject=your-apeye-on-the-hill-immigration-medicaid-jane-moe](https://nwc.org/wp-content/uploads/2015/08/detention_rj_factsheet_10-16-13.pdf?link_id=12&can_id=268daf1da4700cdc2415e42398d76660&source=email-your-apeye-on-the-hill-immigration-medicaid-jane-moe&email_referrer=email_285349&email_subject=your-apeye-on-the-hill-immigration-medicaid-jane-moe)

periods of time, thus exacerbating these problems and further endangering the lives of pregnant people.<sup>3</sup> For example:

- In July 2017, a 31-year old asylum seeker was arrested and placed in immigration detention. She was four months pregnant. After her arrest, she began to experience severe pain and bleeding. Despite the emergency nature of her medical needs, she reports that her pleas for assistance were ignored. Instead, she was transferred from a Border Patrol holding facility to an ICE detention center in southern California. She miscarried there.<sup>4</sup>
- In March 2017, a 23 year-old asylum seeker was detained at a U.S. port of entry. She was 12 weeks pregnant. She remained in ICE custody for three months, during which time she was transferred between facilities six times. At one point, she was made to endure a 23-hour round trip between facilities in New Mexico and Texas, which resulted in her hospitalization due to exhaustion and dehydration. She experienced nausea, vomiting, weakness, headaches, and abdominal pain during her detention. She did not receive sufficient prenatal vitamins or adequate medical attention, and when she requested a first floor dormitory area so that she would not have to climb the stairs repeatedly, her request was denied. After repeated requests that ICE ignored, she was finally released at the end of May 2017.<sup>5</sup>
- In April 2017, a 31-year old woman was detained in Tacoma, Washington after she appeared for an appointment with ICE. At the time, she was four weeks pregnant. While in detention, she experienced great anxiety and depression after being told by ICE officials that she would be deported immediately. After three weeks of detention, she began bleeding early one morning and sought medical attention, but had to wait over an hour to be seen by a physician. Detention officers did not immediately respond to her requests for help even though she was bleeding profusely. Eventually she was taken to a local hospital, where a physician informed her that she had miscarried.<sup>6</sup>

On top of struggling to access needed medical care, pregnant individuals in ICE detention often are forced to cope with extreme stress. Many are separated from their families, children, and communities during detention, while waiting for the outcome of uncertain immigration processes. Many are detained while seeking protection from the violence or abuse that they survived in their countries of origin or on their journeys to the United States. These circumstances make pregnant detainees particularly vulnerable to mistreatment and abuse, and make the need for adequate care even greater.

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<sup>3</sup> Although we understand that ICE has said it may still review custody determinations for pregnant women on a case-by-case basis, there is evidence that field offices are not conducting any individualized custody determinations that would result in release of vulnerable populations. See e.g., Class Complaint for Injunctive and Declaratory Relief, *Damus v. Nielson*, filed in the U.S. District Court of the District of Columbia, March 15, 2018. [https://www.humanrightsfirst.org/sites/default/files/parole\\_litigation\\_Mar15.pdf](https://www.humanrightsfirst.org/sites/default/files/parole_litigation_Mar15.pdf)

<sup>4</sup> See note 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Several medical and mental health organizations, including the American College of Obstetricians and Gynecologists (ACOG), the Mount Sinai Human Rights Program, the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP) have stated their opposition to ICE's recent shift in policy away from a presumption of release for pregnant individuals, citing the deleterious effects of detention on the medical and mental health<sup>7</sup> of pregnant individuals and children. Medical experts state, "All pregnant women and adolescents held in federal custody, regardless of immigration status, should have access to adequate, timely, evidence-based, and comprehensive health care. Pregnant immigrant women and adolescents should have access to high levels of care, care that is not available in these facilities."<sup>8</sup>

The arbitrary detention of pregnant people also violates international human rights norms. The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has noted that the imprisonment of pregnant women must be reduced to a minimum and considered only when other alternatives are unavoidable or unsuitable.<sup>9</sup> The UN Special Rapporteur on Torture has also noted that lack of access to reproductive healthcare for women in immigrant detention facilities can amount to torture or ill treatment.<sup>10</sup> Some in detention are so fearful of the impact that prolonged detention will have on their health that they may choose deportation to countries where they may face harm and persecution over the prospect of continued detention.<sup>11</sup>

Further, the new policy also removes critical reporting requirements for oversight of the detention system, despite the evidence that oversight is desperately needed. Detention is inappropriate and dangerous for pregnant individuals, and this lack of oversight risks their health and safety even further. At minimum, the ICE detention system needs more, not less, transparency and accountability, to ensure that immigrants and asylum seekers have access to adequate and culturally sensitive reproductive healthcare.

We therefore urge ICE to reinstitute a presumption of release for pregnant individuals in its custody, develop community-based alternatives to detention for pregnant people who otherwise must be detained, such as the successful but terminated Family Case Management Program

<sup>7</sup> Letter from Mount Sinai Human Rights Program to ICE Regarding Impact of Detention on Pregnant Women and Adolescents, April 1, 2018. <http://www.aiala.org/infonet/letter-to-ice-regarding-impact-of-detention>

<sup>8</sup> Letter from American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Academy of Family Physicians to ICE Opposing Inhumane Detention Policies for Pregnant Women, March 29, 2018. [http://www.aiala.org/infonet/medic-professionals-against-ice-detention-policies?utm\\_source=aiala.org&utm\\_medium=InfoNet%20Search](http://www.aiala.org/infonet/medic-professionals-against-ice-detention-policies?utm_source=aiala.org&utm_medium=InfoNet%20Search)

<sup>9</sup> UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report on Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment*, ¶¶ 28, 70 (n), U.N. Doc. A/HRC/31/57, Jan. 5, 2016.

<sup>10</sup> UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, *Report on Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment* A/HRC/31/57, ¶32, U.N. Doc. A/HRC/31/57, Jan. 5, 2016.

<sup>11</sup> See Women's Refugee Commission, *Prison for Survivors: The Detention of Women Seeking Asylum in the United States* (p. 33), October 2017. <https://www.womensrefugeecommission.org/rights/resources/document/download/1528>

(FCMP)<sup>12</sup> and reinstate robust reporting requirements that will ensure oversight of the detention system. In addition, we urge your offices to cooperate fully with the Government Accountability Office's investigation and audit of the conditions for pregnant women in prisons and detention centers,<sup>13</sup> and any investigation into the complaint filed with the Department of Homeland Security's Office for Civil Rights and Civil Liberties and Office of the Inspector General.<sup>14</sup>

Sincerely,

18MillionRising.org  
 AB 540 Ally Training Project  
 Access Reproductive Care-Southeast  
 American Civil Liberties Union  
 Adhikaar  
 The Advocates for Human Rights  
 Advocates for Immigrant Rights and Reconciliation  
 Advocates for Youth  
 African American Ministers In Action  
 Ahora Latino Journal  
 Al Otro Lado  
 Aldea - The People's Justice Center  
 Alianza Americas  
 Alliance of Baptists  
 American Academy of Nursing  
 American GI Forum of the US  
 American Immigration Council  
 American Immigration Lawyers Association  
 Americans for Immigrant Justice  
 America's Voice Education Fund  
 Arizona Coalition to End Sexual & Domestic Violence  
 Arkansas United Community Coalition  
 Asian American Psychological Association  
 Asian Americans Advancing Justice | AAJC  
 Asian Americans Advancing Justice-LA  
 Asian and Pacific Islander American Health Forum  
 Asian Pacific American Labor Alliance  
 Asian Pacific Institute on Gender-Based Violence  
 ASISTA Immigration Assistance  
 Association of Asian Pacific Community Health Organizations

<sup>12</sup> Aria Bendix, ICE shuts down program from asylum seekers, *The Atlantic*, June 9, 2017  
<https://www.theatlantic.com/news/archive/2017/06/ice-shuts-down-program-for-asylum-seekers/529887/>

<sup>13</sup> Letter from Members of Congress to Gene Dorado, Comptroller General of the United States, November 9, 2017.

<https://grijalva.house.gov/uploads/GAO%20Report%20Request%20on%20Pregnant%20Women%2011-09-17.pdf>

<sup>14</sup> See note 1.

Association of Reproductive Health Professionals  
 Asylum Seeker Advocacy Project  
 Asylum Seeker Assistance Project  
 Athlete Ally  
 Atlas: DIY  
 Black Alliance for Just Immigration  
 Black Women's Health Imperative  
 Brooklyn Defender Services  
 California Partnership to End Domestic Violence  
 Casa de Esperanza: National Latin@ Network for Healthy Families and Communities  
 Catholic Charities of Southern New Mexico  
 Center for Constitutional Rights  
 Center for Gender & Refugee Studies  
 Center for Law and Social Policy (CLASP)  
 Center for Reproductive Rights  
 Center on Immigration and Child Welfare  
 Center on Reproductive Rights and Justice at UC Berkeley School of Law  
 CenterLink: The community of LGBT Centers  
 Central American Resource Center (CARECENDC)  
 Central Indiana Jobs With Justice  
 Centro de los Derechos del Migrante, Inc.  
 Charleston Alliance for Fair Employment  
 The Chavarria Law Firm  
 Chicago Jobs With Justice  
 Chicago Religious Leadership Network on Latin America  
 Church World Service  
 Cleveland Jobs with Justice  
 Coalicion de Derechos Humanos  
 Coalition for Humane Immigrant Rights (CHIRLA)  
 Coalition on Human Needs  
 Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)  
 Columbia Law School Immigrants' Rights Clinic  
 Community Legal Services in East Palo Alto  
 Council for Native Hawaiian Advancement  
 CREDO  
 DC Coalition Against Domestic Violence  
 DC Jobs with Justice  
 Demos  
 Desiree Alliance  
 Detained Migrant Solidarity Committee-EI Paso  
 Detention Watch Network  
 Diocesan Migrant & Refugee Services, Inc.  
 Disability Rights Education & Defense Fund  
 Disciples Refugee & Immigration Ministries

Dolores Street Community Services  
 Domestic Abuse Intervention Services, Inc.  
 Embrace Services, Inc.  
 End Domestic Abuse WI  
 Enlace International  
 Equality California  
 Family Advocates, Inc.  
 Feminist Majority Foundation  
 The Florence Immigrant and Refugee Rights Project  
 Florida Coastal School of Law Immigrant and Human Rights Clinic  
 Florida Immigrant Coalition  
 Fordham Law School Feerick Center for Social Justice  
 Forward Together  
 Freedom for Immigrants  
 Freedom Network USA  
 Friends of Broward Detainees  
 Fund Texas Choice  
 Gay and Lesbian Activists Alliance  
 Gay Asian Pacific Islander Men of New York (GAPIMNY)  
 Georgia Association of Latino Elected Officials (GALEO)  
 Government Information Watch  
 Grassroots Alliance for Immigrant Rights (GAIR)  
 Grassroots Leadership  
 GreenLatinos  
 Hadassah, The Women's Zionist Organization of America, Inc.  
 HEAL Trafficking  
 HELP of Door County, Inc.  
 Herd on the Hill  
 Hip Hop Caucus  
 Hispanic Association of Colleges and Universities  
 Hispanic Federation  
 Hispanic National Bar Association  
 Hope Border Institute  
 Human Rights Campaign  
 Human Rights First  
 Human Rights Watch  
 Illinois Coalition for Immigrant and Refugee Rights  
 Immigrant Defense Project  
 Immigrant Legal Advocacy Project  
 Immigrant Legal Resource Center  
 Immigration Justice Clinic of John Jay Legal Services, Inc.  
 In Our Own Voice: National Black Women's Reproductive Justice Agenda  
 Inland Coalition for Immigrant Justice  
 Interfaith Center on Corporate Responsibility



Interfaith Movement for Human Integrity  
 International Rescue Committee  
 International Women's Health Coalition  
 Iowa Coalition Against Sexual Assault  
 The Institute for Women in Migration (IMUMI)  
 Irish International Immigrant Center  
 Japanese American Citizens League  
 Jobs With Justice  
 Justice Center of southeast Massachusetts  
 Justice Strategies  
 Lambda Legal  
 Latin America Working Group  
 Latino Victory Project  
 LatinoJustice PRLDEF  
 LCLAA  
 The Leadership Conference on Civil and Human Rights  
 Linesch Firm, P.A  
 Long Island Jobs with Justice  
 Los Angeles LGBT Center  
 Lutheran Immigration and Refugee Service  
 Make the Road New York  
 MALDEF (Mexican American Legal Defense and Educational Fund)  
 MANA, A National Latina Organization  
 Mano Amiga San Marcos  
 The Masliah Firm PC  
 Massachusetts Immigrant and Refugee Advocacy Coalition  
 Medical Students for Choice  
 Mennonite Central Committee U.S. Washington Office  
 Mi Familia Vota  
 Migrant and Immigrant Community Action Project  
 Migrant Center for Human Rights  
 MinKwon Center for Community Action  
 Mississippi Immigrants Rights Alliance  
 Missouri Immigrant & Refugee Advocates  
 Mobilization for Justice, Inc.  
 MomsRising  
 NAACP  
 NARAL Pro-Choice Texas  
 National Abortion Federation  
 National Action Network  
 National Advocacy Center of the Sisters of the Good Shepherd  
 National Advocates for Pregnant Women  
 National Asian Pacific American Women's Forum  
 National Association of County and City Health Officials

National Association of Hispanic Federal Executives  
 National Association of Latino Arts and Cultures  
 National Association of Social Workers  
 National Black Justice Coalition  
 National Center for Lesbian Rights  
 National Center for Transgender Equality  
 National Center for Youth Law  
 National Coalition for Asian Pacific American Community Development  
 The National Council of Asian Pacific Americans (NCAPA)  
 National Council of Churches  
 National Council of Jewish Women  
 National Domestic Violence Hotline (NDVH)  
 National Equality Action Team (NEAT)  
 National Health Law Program  
 National Hispanic Medical Association  
 National Immigrant Justice Center  
 National Immigration Law Center  
 National Institute for Reproductive Health (NIRH)  
 National Justice for Our Neighbors  
 The National Korean American Service & Education Consortium  
 National Latina Institute for Reproductive Health  
 National Latina/o Psychological Association  
 National LGBTQ Task Force  
 National Network for Immigrant and Refugee Rights  
 National Network of Abortion Funds  
 National Network to End Domestic Violence  
 National Organization for Women  
 National Partnership for Women & Families  
 National Queer Asian Pacific Islander Alliance (NQAPIA)  
 National Resource Center on Domestic Violence  
 National Women's Law Center  
 NC Coalition Against Domestic Violence  
 Nebraska Coalition to End Sexual & Domestic Violence  
 Neighbors Link Community Law Practice  
 NETWORK Lobby for Catholic Social Justice  
 New Mexico Immigrant Law Center  
 New Voices for Reproductive Justice  
 New York Law School Asylum Clinic  
 New York Lawyers for the Public Interest  
 NM Dream Team/ United We Dream  
 Northern Illinois Jobs With Justice  
 Nurses for Sexual and Reproductive Health  
 OCA - Asian Pacific American Advocates  
 OneAmerica

Pangea Legal Services  
 PASO - West Suburban Action Project  
 PAVE  
 Pennsylvania Immigration Resource Center  
 People For the American Way  
 Physicians for Human Rights  
 Physicians for Reproductive Health  
 PICO National Network  
 PIVOT  
 Planned Parenthood Federation of America  
 Population Institute  
 Positive Women's Network - USA  
 Presbyterian Church (U.S.A.)  
 Presente.org  
 Progressive Leadership Alliance of Nevada  
 Public Counsel  
 Public Leadership Institute  
 Queer Detainee Empowerment Project  
 Rainbow House Domestic Abuse Services, Inc.  
 Reformed Church of Highland Park  
 Refugee and Immigrant Center for Education and Legal Services (RAICES)  
 Religious Institute  
 The Resurrection Project  
 Rhode Island Jobs with Justice  
 RISE Law Center  
 Rocky Mountain Immigrant Advocacy Network (RMIAN)  
 Sanctuary for Families  
 Services, Immigrant Rights, and Education Network (SIREN)  
 Sexuality Information and Education Council of the United States (SIECUS)  
 SIA Legal Team  
 Sikh American Legal Defense & Education Fund  
 SisterLove, Inc.  
 Sisters and Brothers of Immigrants, Inc.  
 SisterSong: National Women of Color Reproductive Justice Collective  
 South Asian Americans Leading Together (SAALT)  
 South Carolina Progressive Network Education Fund  
 Southeast Asia Resource Action Center (SEARAC)  
 Southern Poverty Law Center  
 St. Joseph Valley Project Jobs with Justice  
 Sull and Associates, PLLC  
 Tahirih Justice Center  
 Tewa Women United  
 T'ruah: The Rabbinic Call for Human Rights  
 U.S. Committee for Refugees and Immigrants

UC Davis School of Law Immigration Law Clinic and King Hall Detention Project  
Ujima, Inc: The National Center on Violence Against Women in the Black Community  
UltraViolet  
UndocuBlack Network  
The United Methodist Church - General Board of Church and Society  
United Migrant Opportunity Services/UMOS  
United States Hispanic Leadership Institute  
United We Dream  
University Leadership Initiative  
UnLocal, Inc.  
URGE: Unite for Reproductive & Gender Equity  
USC International Human Rights Clinic  
UURISE - Unitarian Universalist Refugee & Immigrant Services & Education  
Vermont Network Against Domestic and Sexual Violence  
Violence Intervention Project  
Voces de la Frontera  
Voto Latino  
Waco Immigrants Alliance  
Washington Office on Latin America  
Washoe Legal Services  
We Belong Together  
Whitman-Walker Health  
Women's Refugee Commission  
Woodhull Freedom Foundation  
Youman, Madeo, & Fasano, LLP  
Young Women United

Cc:

Secretary Kirstjen Nielsen, Secretary of the Department of Homeland Security (DHS)  
Tae Johnson, Assistant Director, Custody Management and Removal Operations, ICE  
Claire Trickler-McNulty, Assistant Director, Office of Detention Planning and Policy, ICE  
Cameron Quinn, Officer for Civil Rights and Civil Liberties, DHS  
John Kelly, Acting Inspector General, DHS

Ms. ROYBAL-ALLARD. Thank you.  
Mr. CARTER. Mr. Fleischmann.

#### COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Madam Secretary, thank you for your service to this critically important Department. And as our colleagues on both sides of the dais have said, we look forward to working with you in this very important endeavor.

As you might know, I represent a wonderful east Tennessee district. The city of Oak Ridge is there. And as part of our mission we do quite a bit of nuclear deterrence and the like. That is one of our key missions there.

It is my understanding that last year, Madam Secretary, you set up the Countering Weapons of Mass Destruction Office. I want to thank you for that. I am wondering if you could kindly walk us through where the office currently stands, what major gaps in resources there might be, and what our greatest challenges are, please.

Secretary NIELSEN. I would be happy to.

So as you know, sir, we have begun the process of integrating the various parts of DHS that will create that office. We have not, as you have noticed, requested any additional money in this budget to do so. We are pulling together resources from what we have. We would like to work with you on future requests.

Nuclear deterrence is one of the particular concerns to the Department. We have done extensive exercising, modeling, and understanding of related effects, such as electromagnetic pulse.

We are also very concerned about the increased use of chemical weapons by terrorists, whether they be in a particular transportation mode or in mass gatherings. We actually have piloted some detection devices out into communities to help them understand early signal or early warning if there has been any kind of chemical attack.

On bio, we continue to model. As you know, biotreats change very, very quickly. So it is a constant concerted effort to stay on top of them and then make sure that we have the appropriate response.

We have gone to great lengths to update all of the protective action guides for first responders to make sure that State and locals are trained, that they have what they need not only to understand the threat, but to have the equipment and to counter.

My hope is, by creating this office, we can bring all of this expertise to bear in a way that is much more efficient.

#### OPIOID DETECTION

Mr. FLEISCHMANN. Thank you.

Madam Secretary, we have seen a disturbing growth in opioid-related deaths. Of particular concern is fatal overdoses involving synthetic opioids such as fentanyl, which have grown over 84 percent every year between 2013 and 2016.

DHS agencies are the front line for the battle to stem the tide of these deadly substances. I understand there are some major challenges that will require new tools and sizable investments.

Can you explain those challenges and your long-term strategy for confronting this threat? Could you also go into some detail on how you plan to utilize the \$224 million included in fiscal year 2018 for the opioid detection and nonintrusive inspection equipment?

Thank you.

Secretary NIELSEN. Yes.

The President has made clear that this is a very important initiative of the entire government. I am happy to say that we work very closely with my Cabinet colleagues. We all bring something to bear.

Within DHS, almost every part of DHS is helping to fight this, everything from TSA at the airports, to CBP to the land borders, to the Coast Guard to the maritime borders, ICE and HSI [Homeland Security Investigations] in the interior, and then CBP also with the mail. So I appreciate Congress passing the INTERDICT Act last year, which, as you know, gave us additional authority to screen.

But the border is a very important part here, because we do see the vast majority of drugs coming through our ports of entry. So the nonintrusive inspection equipment that you mentioned, the \$244 million, will enable us to, hopefully, detect even smaller amounts.

Fentanyl is, as you know, 50 percent more toxic than heroin, but it is very, very, very small. So the technology needs to be adjusted, the algorithms need to be adjusted to ensure that we can detect it.

We are working with the international mail shippers, making sure that we can collect data. We are using targeting, whether it be in Mexico or China, to track packages and ensure that we can bring those to justice, in conjunction with the Department of Justice.

This will be a continued effort. I look forward to working with you as we recognize any additional gaps that we might have in capabilities.

Mr. FLEISCHMANN. Thank you, Madam Secretary. I appreciate your responses.

Mr. Chairman, I yield back.

Mr. CARTER. Mr. Cuellar.

#### BORDER SECURITY: IMMIGRATION JUDGES, BORDER PATROL AGENTS

Mr. CUELLAR. Mr. Chairman, thank you, Ranking Member, thank you again, both of you, for your leadership.

And it is also a pleasure talking to a fellow Hoya.

First of all, I also want to thank the men and women that work for you all. I know it is a difficult job, but it is a very important job that they do.

Two parts. One is, I am going to ask if you can help me applicate some ideas. And then the other one, I want to talk about hiring processes.

First of all, catch and release. We are on the same page. I think we need to have some sort of deterrence. But if we do this, depending on what happens, that individual either goes to an immigration judge or could go to a magistrate or a district court, depending on the situation.

If it goes to a district court, what we call zero tolerance, I would ask you that, as we provide more of those cases to those magistrates or district judges, I would ask you to advocate for making sure that—we understand you are a State of Texas bar attorney also—that the caseloads that we have for those district judges on the border are high.

So if you add more of those cases in the first time, under the law it is a misdemeanor. If they are removed, they come back, it becomes a felony.

So just to make sure that we advocate for either more magistrates or judges, district judges, to handle that, along with the U.S. marshals and the assistant U.S. attorneys, because everybody talks about adding more Border Patrol, but we have got to look at what the end of the judicial system. So I would ask you on that to advocate for that as you are in the Cabinet meetings.

The other thing is immigration judges. Another fellow Hoya, James McHenry also, and I have sat down with him and Tom Homan on trying to get more of those immigration judges. I don't see John Culberson here, but we added 55 immigration judges. Then we added 25 immigration judges. We have got 100 immigration judges here.

The problem is everybody wants to have a judge in Houston, and let's say in New York, Chicago, around the corner here in Virginia, also. But I am an advocate to have those judges at the border to make sure we give the people their day in court as close as possible at the border.

One of the issues we are facing—this is what we talked about to your ICE director and to McHenry, also—is to have the office space for those judges. You might have those detentions, but you have got to have those office spaces to meet the requirement of the immigration judges.

So I would ask you, if you don't mind, following up with them so we can have judges in McAllen, which is a high crossing area—Laredo is another one—on the border, instead of Houston, Dallas, New York, and the other places.

I know we use video conferences, but I am a big believer in having those judges at the border. So I would ask you if you can advocate those two points.

The other part I want to talk about is the hiring process. Border Patrol one time I think was authorized at 21,370. Right now, we are under 20,000. According to the Border Patrol chief, we are actually losing more Border Patrol than we are hiring Border Patrol.

A problem with the polygraph, and we have tried to work on that. There is an issue with the polygraph exams. FBI, one-third of them will pass. Border Patrol, two-thirds will fail. So we have got to look at the polygraph.

But the issue that I want to bring up is if you look at the scope and the objectives for recruiting, coordinating on posting vacancies, applicant support care for hiring, there was a \$297 million contract awarded. Nothing against the company. I know the company. They are a good company. But what do we need to do to get your folks to do a better job in hiring?

I would rather use the \$297 million in giving bonuses, retain them, because sometimes we have Border Patrol folks that might

not like to be in Presidio, Texas, or some rural area. They will get a job with ICE and they can be in New York or Miami. I understand all that.

But we have got to be able to recruit Border Patrol better, CBP better. And I would prefer to use the \$297 million to give them bonuses, overtime, whatever the case.

But the case is, they are here now. And I know ICE has put out an RFI, also. So I am sure there will be a couple million dollars also.

What do we need to help you where your own agency can do a better job at recruiting and retaining those men and women, instead of putting that money out to contractors? And nothing against those companies, but I would rather give it to the men and women on that.

Secretary NIELSEN. Well, first, I just want to say I second your belief that it is much more effective to have the judges and IGs [inspectors general] at the border. I am working very closely with the Attorney General to make sure that we deploy sufficiently, if we interdict, but there is a backlog and if we don't have the ability to put them through the process, nobody wins.

So, first of all, you have my commitment to continue to advocate on that.

With respect to hiring, this is a problem that has been very difficult, as you know, for CBP, ICE, Secret Service, other parts of DHS. We really have looked at this quite carefully over the last year, the details of which, as many as you want, we are happy to come share.

The short version is, what we need to do is decrease the time to hire without adjusting the standards. We still want the best and brightest and those who have the integrity that we expect of law enforcement officials, but we do need to speed it up.

So at CBP we have looked at their physical exam. We have looked at streamlining their polygraph, as you noted. It was out of synch with many of the other polygraphs, the ways in which they are performed in other law enforcement agencies. We have also moved the polygraph up to the beginning of the process, which will be helpful. I thank you and others for supporting that.

Mr. CUELLAR. Something that Judge Carter and I have been talking about.

Secretary NIELSEN. I was going to say, I thank you for—

Mr. CUELLAR. You go through the whole process, 18 months, and then you fail the polygraph.

Secretary NIELSEN. It doesn't make any sense. That is right.

Mr. CUELLAR. Thank you so much for that.

Secretary NIELSEN. So we appreciate your support on that.

And we also appreciate your support on the waiver authority. So there are certain people, veterans in particular, who have very high security clearances and who have served our country honorably. They would like then to serve honorably in CBP. It does not make sense to put them through a 100-day process. So we are working on that, as well.

The intention of the contract specifically is to help us make our hiring practices match the needs in environments today. What we have found is we were not reaching all of the communities that



would like to serve this country. We were reaching the communities that would like to serve our country 10, 15 years ago, which are not the same.

So the idea is to come up with a much more comprehensive, holistic approach for hiring, but that also includes that very important retention piece that you mentioned to get the attrition down.

Part of that is a concern about mobility, which you also mentioned. So we have pilots working on that to make sure that the officers and agents have the ability to move around. We are seeing great success in that pilot, and we hope to expand that.

But you are hitting on all of the things that I agree with. We just need to keep after it. It needs to be a concerted effort.

Mr. CUELLAR. Well, thank you. We want to be supportive of you. Secretary NIELSEN. Thank you.

Mr. CUELLAR. Thank you, Chairman.

Mr. CARTER. Mr. Harris.

#### SANCTUARY STATES: FEDERAL PREEMPTION

Mr. HARRIS. Thank you very much.

Thank you, Madam Secretary, for coming before the committee. I have just two issues I want to talk about.

The first one let me just dispense with fairly quickly. It surprised me that my State, Maryland, is second only to California in the number of—in MS-13 activity, which is just amazing. Maybe that is because Maryland has a reputation of also being a sanctuary State.

I just want to get your assurance that your Department is going to assert Federal preemption on immigration enforcement issues. The fact of the matter is, these are not State issues. These are not local issues. The Constitution gives immigration enforcement authority to the Federal Government, uniquely to the Federal Government.

Are you willing to assert Federal preemption over jurisdictions that claim to be sanctuaries?

Secretary NIELSEN. As you know, sir, this is a great concern to many of us in this administration. There are some lawsuits underway to make that point against some States that have chosen not to comply and that actually to provide penalties for those that try to assist us in doing our job. You do have my commitment that we will do everything to ensure we can enforce the laws.

Mr. HARRIS. OK. Thank you very much.

Secretary NIELSEN. We would like to do it in partnership with State and locals. It works quite well when we are able to do that. But we do owe it to the people of this country to protect them from things such as MS-13.

#### H-2B: NUMBER OF VISAS, APPLICATION PROCESS

Mr. HARRIS. I agree with you, and I think we have to return to the rule of law. If we don't like the laws, let's change them, but the laws are pretty clear.

Now, the other issue that is an issue very important to my district, I have the beautiful Eastern Shore of Maryland, is the H-2B visa issue.

Over the weekend, I visited Smith Island, an island settled in the 17th century by folks from England. The population is 240 now. It used to be 600, 700 people. It is down to 240 descendants of the original English who settled there. It is a 45-minute boat ride there. I mean, it is literally out kind of in the middle of the Chesapeake.

And for the hard-working men and women on the island, the median family income is \$26,000, and they make a lot of it by catching crabs. And they have to bring those crabs to be processed somewhere, they have to be picked, because when you eat a crab cake, believe me, you are not eating the whole crab. You have to pick it.

The fact of the matter is that although in the past we had Americans who do it, that generation is not with us anymore and they depend upon H-2B visa workers. And as you know, the second half cap was reached very quickly. There were almost 100,000 applications for 33,000.

The men and women on the island who depend upon this industry, who take their work boats every day, they work all day, they take them to the processing plant, they have got to have people there to pick that crab. Otherwise, their income goes away, and that would be a shame.

I also met with another person up in the northern end of the Eastern Shore who is the largest exporter of canned corn from the United States. Exports are an important industry. Agriculture is an important industry. They depend upon H-2B workers for only an 8-week period in the summer.

And that is significant because their work period is July and August. So by the 90-day rule, they can't even apply until April 1, unless they want to pay for people for 3 months not doing work. So they just applied for their summer workers, but the cap is already exceeded.

So the omnibus bill gave authority—the way we read it—the Labor Department has already certified 80,000 workers for the second half of the year, and now it rests, I think, on a decision of, I think, by your Department as to how many H-2B visas are going to be issued. And I think, clearly, the need has been demonstrated. Our unemployment is a historic low 4.1 percent, modern historic low. We are just not going to find the American workers.

And more importantly, whether it is Smith Island or whether it is that cannery or those farmers who grow the corn for that cannery, having temporary workers provides downstream jobs for a lot of Americans.

So, Madam Secretary, what can we expect? I mean, it has already been a few weeks since this has passed. The summer is approaching very quickly. In the case of the crab industry, these men and women are going out on their boats in 2 weeks. As soon as the bay warms up, they have to begin catching crabs.

And it is getting to the point where a lot of the houses, the processing houses, say: Look, if we don't get our visas, we just have to close. And, you know, once they close, they are gone. This is an industry that doesn't work on large margins. Once they close, they never reopen. An entire industry in my district is threatened.

So, Madam Secretary, how quickly can we come to the decision of the number of visas? And then how quickly can we reopen the

process of working on those Department of Labor certifications or processing new applications for the late summer?

Secretary NIELSEN. Thank you.

First, let me just say the concept of limitations on H-2B originally was to protect American workers. If, however, we are in a situation where the way in which we administer the program legally actually puts American businesses out of business, that is clearly not the intent.

So what I would ask is two things. First, in response to your first question, I will be consulting with Secretary Acosta in the next few days here, as required by the law. We would like to get some additional input from some other constituencies. I would be happy to discuss this with you further. But the intent is to make a decision soon so that those who can take advantage of the program are able to do that.

But my request is that we work together this next year. Congress really, in my opinion, is best situated, given your constituencies and your understanding of the employers within your districts, to know the right number of H-2B. It is very difficult when the discretion gets kicked back to the Secretary of Homeland Security, it just is.

So I would like to work in this next cycle in a way where Congress decides the number. We will implement the number that you provide. But it is very difficult for us to get all of the information that we need to do that.

The third thing—I know I said there are only two, but let me add one more—the seasonal way in which we split up these visas doesn't work, and that is what you are describing. So as we look at this program again, we need to make sure that it is meeting the intent of the program, which is to allow employers to provide H-2B. If the timelines are such that it is past the season, if it is past [employers'] ability to utilize them, we are not meeting the purpose. So I would also ask you to work with me on that.

Mr. HARRIS. Thank you. I couldn't agree more.

Mr. CARTER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. The first thing is I agree with Andy Harris. I don't represent the Eastern Shore. I have spent a lot of time there and I have worked with the seafood industry. It is a unique industry, and we need that priority.

I also might want to point out that Congressman Taylor was homegrown and grew up on the Eastern Shore of Maryland.

I know you represent Virginia. So you understand the situation.

If you have had a Maryland backfin crab cake, you will know what I mean.

Secretary NIELSEN. Yes, sir.

#### CYBERSECURITY: WORKING WITH STATE AND LOCAL GOVERNMENTS

Mr. RUPPERSBERGER. OK.

First thing, your Department was stood up after 9/11. In my opinion, you have got a lot of challenges. You have too many missions, but you are doing the best you can.

When you sit here and watch these department heads come and go, I really am impressed with your résumé, your experience, the

fact that you worked with Kelly. I think you are the right person at the right time.

So with that said, I have long been involved with advocating for all Federal agencies and departments to have the resources they need to succeed in their role securing our Federal networks and working closely with the private sector.

I was the former ranking member of the Intelligence Committee and I have actually represented NSA for 15 years. So I deal with them, I work on their budget, and I think they are probably one of the best in the world. We have more mathematicians there than anywhere in the world.

But as far as Homeland is concerned, we need more. We have threats and attacks on a regular basis, both major attacks but also unsophisticated attacks. And our country is being attacked every day, as you know, and we are not where we need to be.

Part of the reason I joined this subcommittee was to focus on the cybersecurity mission at the Department of Homeland Security and help you and your people succeed where in the past we have really fallen short, and not because of their fault. We have been underfunded. We don't have the manpower to do what we need to do, is my opinion.

I am going to be providing you a copy of a report I have been working on for about the last 6 months for this committee in maybe the next couple weeks, and this report summarizes meetings and roundtables that I have had over the last 6 months to get a better understanding of the state of the homeland cyber mission.

These roundtables have been people formerly in your job, people who I respect in this field, because there are not really a lot of people, including on the Hill, that really focus. We talk a lot about cybersecurity but not a lot of people know about it or really deal with it.

Now, these recommendations include holding a cyber-specific hearing before this committee focusing more on the Department's efforts to protect against leaked cyber tools, getting a better foothold on the threat landscape to industrial control systems, and improving information sharing and other issues that are out there. Even though it is GSA's budget, we have a long way to go in our gov network, too. It is just not where we need to be. We have spent \$2 billion dollars. We have a long way to go there, too.

Now, two questions, basically. The first thing, I would like your commitment to work with me and with members of this committee. I have talked to the chairman and ranking member about having a hearing specifically on cybersecurity. I would hope that you would work with us. I will get you my report on the issues that we need to deal with, which also include funding. If you could give us that commitment. I am sure you will.

Secretary NIELSEN. Yes. I look forward to the report and absolutely look forward to any opportunity to explain our needs and gaps.

Mr. RUPPERSBERGER. When I was Gang of Eight on the Intelligence Committee, people would say: What keeps you up at night, because you have got the most sensitive? And I would say: Well, the Russia, China nuclear threat. I would say: Spicy Mexican food. Levity. The issues of terrorism and that. But really, more impor-

tantly, the cyber threat, in space, in homeland, wherever we need to be.

So we really need to roll up our sleeves and focus in this area and get the funding and the manpower necessary to do what we need to do in your field. NSA is another issue, but we can learn from NSA and use their help to gear up where we need to be.

Secondly, we recently approved over \$380 million for the Election Assistance Commission in the omnibus to be used by the States to bolster their election systems and process. Can you expand on how the Department is working with the States to ensure that they are leveraging the Department's expertise and that these funds are being effectively used and will produce real security gains? How confident do you feel with your current level of engagement with the States and local governments? What more needs to be done? And are the tasks properly resourced there?

Secretary NIELSEN. Well, thank you very much, and thank for your focus on this issue. This is also an issue that keeps me up at night. It changes quite quickly. It is prolific. It is nonstop. And it is from many, many, many sectors. Unfortunately, once a vulnerability is found, as you know, anybody can exploit it. So you can't really match an adversary to a particular vulnerability.

With respect to the election, I truly cannot underscore enough the importance of us working with States and locals to secure our election structure. This is the heart of our democracy. Every American has the right to know that his or her vote is counted and counted correctly. And we need to all work together to ensure that that trust is there.

What we have offered is everything from penetration testing to vulnerability assessments, exercises, and training. We are working very hard to provide additional threat information with partners such as NSA [National Security Agency] and the intel community to quickly declassify, tailor, and then provide that information to those network defenders who can best utilize it.

The States themselves have taken, in my opinion, a lot of good steps over the last few months to organize themselves from a governance perspective. This is not a traditional homeland security interaction, as you know. We have not in the past, at least at DHS, worked, for example, with State election officials. We normally work with owners and operators of critical infrastructure.

So bringing them into the fold, helping them understand how to work with their own homeland security advisers, with the governors, with others in the States, has been an important part.

What I ask all States to do is take us up on our offers of assistance. They are free. We can help you build capacity. We can help you build capability. We can check your systems. We can help you with realtime response. We can, very importantly, monitor and help flag any nefarious activity. And we can give you the coordination mechanisms to work with other States to find the patterns of attacks.

So I do feel that we are doing a tremendous amount. Can we do more? I hope that we can. We have a huge focus on it. As you know, we are pulling resources from security of other sectors to make sure that we are doing and offering all that we can. But this

is a partnership. So we continue to reach out to those at the States and localities weekly, if not daily, to ask them to work with us.

Mr. RUPPERSBERGER. Thank you. I look forward to meeting with you and your staff to go over the report.

Secretary NIELSEN. Thank you.

Mr. CARTER. Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Chairman Carter, Madam Ranking Member.

Secretary Nielsen, welcome.

Secretary NIELSEN. Thank you.

#### DEFERRED ACTION FOR CHILDHOOD ARRIVALS

Mr. NEWHOUSE. Thank you for being here. I appreciate your thorough update and also your service. It is my humble opinion in the short time you have been on the job that you have done a great job, and I appreciate that hard work.

I just want to ask you about a couple of areas. First is the DACA program. I have been an advocate in this Congress, as have many of my colleagues, to find a solution. I appreciate the administration's help there and the President's determination to do this as well. It impacts a lot of individuals in my district, and not only those individuals, but my communities and our Nation. I think it is a very important issue that we need to solve.

Secondly, I wanted to discuss the work your Department engages with the Department of Energy and the national laboratories, of which I am very proud to have one in my district, the Pacific Northwest National Laboratory.

So as far as DACA is concerned, interestingly, the State of Washington, we have got about 18,000 of these individuals. About a third of them are in my district.

One of those lives in the northern part of the Fourth District in Okanogan County. He was brought to the United States at a very, very young age by a single mother who was a victim of domestic abuse.

As he grew up in our communities, he became a part of the community. He developed a deep appreciation for the opportunities provided to him and wanted to give back. So he did that by fulfilling his dream of becoming a firefighter. And as you mentioned, the catastrophic incidents around the Nation have been growing. In my district, we have had two record-setting forest fires in just the last couple of years.

Unfortunately, for this individual, his work permit expired. So simple question: Is this the type of person, this young man the type of person that your agency will be listing as an enforcement priority for deportation?

Secretary NIELSEN. Thank you for the question. I know there has been a lot of confusion on DACA [Deferred Action for Childhood Arrivals], so I appreciate that.

Let me just start by saying you continue to have my commitment both personally and as the Secretary of Homeland Security, to help find a permanent solution to the registered DACA population. We are continuing, restarting conversations with leadership in both Houses. We would like to get this done. We should get this done. We need to get this done.

In terms of enforcement, what I have decided is, given the court cases and the questions that remain while we are waiting to work with Congress on a permanent solution, anybody who is currently registered, is legally registered and has a legal status within the system.

I have also taken the step, though, that anybody who has submitted an application also will not be an enforcement priority. They will not be deported. So if this young gentleman were to reapply for status, assuming there isn't any derogatory information or he hasn't become a felon at some point here, he would be protected, as long as we are in this phase while we are working through the court case and waiting for Congress to act.

But I think it is important to be clear that those who are registered have legal status. Those who are attempting to renew their status will be treated as such, as well.

Mr. NEWHOUSE. That is very helpful. This question, after your response, may not be quite so important, but that information, the personal information of individuals like this young man, would that be shared with other agencies to target for deportation enforcement?

Secretary NIELSEN. The only time that we would share that information is if there is a question of public safety, national security, or if the person has committed a serious crime. At that point, the person is no longer a DACA recipient by virtue of the program.

But those are the instances in which we would share information. But, again, they are not an enforcement priority. They have legal status. So there would be no need to share the information.

#### DEPARTMENT OF ENERGY NATIONAL LABORATORIES

Mr. NEWHOUSE. I appreciate that clarification, and I know the fine line that you have to maintain.

Secondly, as far as the national laboratories, since Homeland Security was created Congress has made sure that the Department has equal access to that world class Department of Energy asset.

In recent years, the Science and Technology Directorate cybersecurity program enabled multiple technical solutions developed by the Pacific Northwest National Laboratory to be transferred to the private sector, which directly improved the security of our Nation and economy.

I am curious to know how your Department views the DOE national labs and how you intend to leverage the unique capabilities that they have to fulfill your mission, the Department's mission, especially when those capabilities don't exist in the private sector.

Secretary NIELSEN. Yes. Thank you.

I myself am a fan of leveraging what DOE [Department of Energy] and DOE labs have learned. We have active agreements with 13 of them, as you know. I have had the opportunity to visit some of them: Sandia, Los Alamos, Pacific National Lab, and Idaho. They all provide very important, scientifically driven data, but they are able, as you know, to test different defensive measures, protective measures within controlled areas, which is very important.

It is not necessarily, as you say, capabilities that have been developed by the private sector or, in some cases, they are available to the government in a way that they wouldn't be in terms of what

the private sector offers. So it would be my intention to continue that.

The S&T R&D [Science and Technology Directorate's research and development] money within the Department, we have moved to NPPD, and the reason for that is to ensure that it is directly requirement-driven. So the network defenders and my folks at NPPD day-to-day are fighting this battle and are very aware of what they need. Putting some of the R&D money there enables them to quickly translate that into requirements to make that process more efficient.

Mr. NEWHOUSE. OK. Thank you very much.

My time has run out, but hopefully we will have a second round.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Price.

#### REFUGEES

Mr. PRICE. Thank you, Mr. Chairman.

Welcome, Madam Secretary. Glad to have you before the committee.

I want to talk to you about refugees. As you know, the administration announced a historically low refugee admission ceiling of 45,000 for fiscal year 2018 last September, and this was a few months after an executive order that had totally halted the refugee program for 120 days.

This is a shockingly low ceiling for our country, what we have done in the past, what we have stood for. But there is more alarming news, because as of March, that is the halfway point for fiscal year 2018, we have only admitted 10,548 refugees. That puts us on track to admit a total of 21,100 refugees in fiscal year 2018. That would be less than half of that historically low ceiling that we pledged to admit.

Now, I have heard, I expect we have all heard reports of countless administrative obstacles, a lack of adequate staffing, bureaucratic rerouting of paperwork, drastic reductions to the overseas interviews, and enhanced vetting, enhanced security measures that together seem designed, I must say, to prevent our Nation from accepting any more than just a trickle of refugees. And we are doing this at a time when deadly wars and persecutions continue all over the world and they are producing a flow of desperate people.

In my district, there are organizations that do the Lord's work, as far as I am concerned. They participate in these refugee resettlement programs. They desperately want to fulfill their promise. And yet, now in North Carolina, they are going weeks without even seeing a refugee.

I mean, what is going on?

We have got to protect American citizens at home and abroad, but shutting our borders violates our Nation's values, undermines our national security, I would say, by diminishing our standing in the world and making it more difficult for us to confront violent extremism wherever it exists.

Conflating, as the President's rhetoric does, conflating refugees, or immigrants in general, with terrorists doesn't make us safer. It merely perpetrates an environment of suspicion, anxiety, and it risks lending credibility to terrorist propaganda.



So we have been a safe haven for refugees historically. Regardless of a refugee's origin, they share a deep desire to become a member of our communities. They are thoroughly vetted.

So I have to ask, what is happening? What on Earth can explain the fact that we are over halfway through the fiscal year and have only admitted a quarter of the refugees we pledged to take in during one of the worst refugee crises in world history?

Are you slow walking this program? Are there various bans and administrative obstacles and duplicate waiting requirements reflective of some increasing danger that these refugees represent? Is there some history I have missed that refugees are committing terrorist acts in this country?

Is there any indication that the procedures we have had in place for years have been inadequate, have let in dangerous people?

If these refugees are dangerous, why can't we—which I don't think there is any evidence for—but if they are, or if you fear they are, why are we unable to determine that danger? Why don't we have an appropriate vetting system to deal with this supposed danger and keep the commitment we have made to the international community?

Secretary NIELSEN. Thank you. There are a few things here, so bear with me and let me try to answer the question.

First of all, in the United States, we have a very unique situation in that we differentiate between refugees and asylees. As you know, unfortunately, we have an unprecedented but also unacceptable backlog in asylee cases. Those are men, women, and children who are already present in our country and are waiting to find out if they will be granted final asylum.

I think that the bureaucratic issues you mentioned at the front end, unfortunately, apply here, which is that we have made a decision to process those who are already here seeking asylum as quickly as we can with limited resources. Not to say we are not processing refugees, but the backlog of asylees, I believe, let me get back to you on the record, but I believe it is around 300,000. It is substantial.

[The information follows:]

**Mr. Price:** So we have been a safe haven for refugees historically. Regardless of a refugee's origin, they share a deep desire to become a member of our communities. They are thoroughly vetted.

So I have to ask, what is happening? What on Earth can explain the fact that we are over halfway through the fiscal year and have only admitted a quarter of the refugees we pledged to take in during one of the worst refugee crises in world history?

Are you slow walking this program? Are there various bans and administrative obstacles and duplicate waiting requirements reflective of some increasing danger that these refugees represent? Is there some history I have missed that refugees are committing terrorist acts in this country?

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**RESPONSE:**

As a partner of the U.S. Refugee Admissions Program (USRAP), the Department of Homeland Security remains committed to the program's mission. We work with interagency partners to review and improve policies and procedures continuously to ensure that the USRAP safeguards the American public from threats to public safety and national security, while offering protection to some of the world's most vulnerable people.

There have been a number of Executive Orders that have had an impact on the USRAP. Together with the Department of State and the vetting agencies, we have worked very hard in the last year to analyze the program and to introduce efforts to make security measures more robust. These new measures are part of the Administration's ongoing efforts to intensify screening and vetting for all persons seeking to travel to the United States, and they are designed to keep nefarious and fraudulent actors from exploiting the USRAP to enter the United States. Although

necessary, these reviews and enhancements have lengthened processing times for some cases and have slowed admissions. A slowdown in processing is not uncommon as we implement new measures.

The United States remains committed to protecting those forced to flee their country because of persecution on account of a protected ground, regardless of whether the person is seeking protection from outside the United States (a refugee applicant) or from inside the United States (an asylum applicant). The Fiscal Year (FY) 2018 *Presidential Determination on Refugee Admissions* allows USCIS to support the domestic asylum backlog better, while also maintaining our foreign refugee resettlement mission.

In recent years, USCIS has seen historic levels of affirmative asylum applications. In FY 2016, affirmative asylum application filings increased to more than 100,000 for the first time in 20 years, reaching nearly 115,000 new filings. This was an increase of more than 30,000 filings from the previous fiscal year and double the number of filings received in FY 2014. The backlog has increased from approximately 15,000 at the end of FY 2012 to more than 300,000 cases currently.

At the same time, the volume of people arriving at our borders and seeking protection through the credible fear screening process has increased significantly. In the last 4 years, USCIS has received increased credible fear referrals, from about 13,500 in FY 2012 to more than 78,500 in FY 2017. As a result, USCIS has had to reallocate resources to the border in order to screen new arrivals instead of adjudicating affirmative asylum applications. In FY 2016, USCIS screened nearly 93,000 individuals who claimed a credible fear (an annual high), nearly double the number of individuals screened the previous year and almost seven times the number screened as recently as FY 2012.

Because individuals in the credible fear screening process typically are detained while they await their interviews with USCIS asylum officers, USCIS prioritizes these cases. To process these requests in a timely manner, USCIS has had to shift asylum officers from the affirmative asylum caseload to the credible fear caseload. Additional asylum officer resources also were diverted from asylum case processing in past fiscal years to support increased overseas refugee processing. This diversion of resources, when coupled with the significant increase in the number of affirmative asylum filings, has resulted in a growing backlog of affirmative asylum cases.

The growing affirmative asylum backlog negatively affects applicants who deserve to have their legitimate asylum claims heard and approved. It also affects the integrity of the program as a whole because it attracts frivolous and nonmeritorious asylum applications from people who will sit in the backlog and will receive work authorization while they wait for their asylum interview and subsequent hearing before an immigration judge. The way for USCIS to augment resources quickly to its asylum priorities has been to reassign refugee officers to domestic duties with the asylum program. This necessarily has meant that USCIS has fewer officers available to conduct refugee interviews overseas. Nonetheless, USCIS continues to conduct refugee processing circuit rides to interview refugee applicants, and to interview refugee applicants in locations where USCIS has staff posted abroad.

Although we have seen a drop in refugee processing in comparison to prior recent fiscal years, protecting the most vulnerable populations, regardless of whether they apply for protection as refugees or asylees, remains a focus for the U.S. Government. We are committed to providing these protections without compromising the security of the American people.

Secretary NIELSEN. On the question of vetting, we are doing exactly what you are describing, which is we are trying to find a better, faster way to vet those who are seeking refuge in our country. Unfortunately, because of some of the areas in which they are originating, the country itself is not able to provide us any information on the refugee.

Further complicating the problem is that the refugee is a refugee. In many cases, he or she does not have the paperwork or other documentation to prove his or her identity.

The short answer to your question is, I agree, we must do better. We must do it faster. We are looking at ways to get additional information, to share it, and to work with the countries.

The last point I would make, sir, is that we as an international community, whether it is through the G7 or the Five Eyes, have attempted to take care of refugees closer to where they are leaving. The idea there is that when conditions are safe, they can more easily return. We also are working with international partners to ensure that together we are taking care of them in the best way possible.

But I would be more than happy to come myself or have my staff give you a more extensive brief on some of the challenges. But we do need to process them faster, I agree.

Mr. PRICE. My time has expired. I will probably return to this in the next round.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Palazzo.

#### BORDER SECURITY: NATIONAL GUARD

Mr. PALAZZO. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here today.

Last week, when President Trump announced the good news that he is going to deploy the National Guard to the border, as a National Guardsman myself, I was elated. Since I have been in Congress, I have been calling for similar actions, take the National Guard, use them as a multiplying force, and help secure our border, because border security is absolutely in correlation with national security. It is extremely important.

If you could, could you take a few moments and expand on what you see the administration's role of utilizing the National Guard on the border?

Secretary NIELSEN. Yes, I would be happy to.

First and foremost, it is to work in conjunction with the governors and the TAGs [Adjutants General] within the different States. At the moment, we have the National Guard deployed from Texas, Arizona, and New Mexico. California already had some National Guard guardsmen deployed. We continue to work with the Governor there to see what else might be needed or available to supplement.

What we are looking to do is to supplement what the Border Patrol does so that the Border Patrol can be on the border and do what they do best. We are looking at everything such as support for aviation, vehicle maintenance, and surveillance monitoring; intel sharing; and things that the National Guard is particularly trained to do. We would like to utilize their expertise to help get

more of our men and women back on the front lines to protect the border.

Mr. PALAZZO. Does the status of the guardsmen make a difference in their mission? Say, for example, if the Guard was activated under Title 10 versus Title 32, does that limit what roles they can have on the border?

Secretary NIELSEN. It does. Title 10, obviously, does limit it. There are other things that come into play there, such as posse comitatus.

What I would say about Title 32 is that it is very important from a Department of Homeland Security perspective to do this in conjunction with the governors. The governors are there. They know what they need. They know what works. They know what their constituents need. We are really approaching this at this time as a partnership in every way possible.

Mr. PALAZZO. Is there going to be an opportunity for other States to allow their guardsmen to basically be called up and work with the border State guardsmen and their governors or are you just limiting the guard personnel to the States on the border?

Secretary NIELSEN. We have had some offers and calls from other governors who are not on the southwest border that are willing to deploy their guardsmen.

There are a couple of different things in play here. As you know, unfortunately, we are heading into hurricane season. For some of these States, particularly Texas, we are very aware that if we get into a natural disaster, where the guardsmen otherwise would be needed, we would look to supplement them through other governors who are willing to supply guardsmen.

Mr. PALAZZO. And I guess we have seen that in Hurricane Katrina. We had guardsmen from all across the United States, including the territories, come and participate in that massive mission. And I know if Mississippi's Governor hasn't already volunteered them, he would, but a majority of our National Guardsmen are currently training for an overseas deployment. But I am sure there are a lot of people back home that didn't deploy who would love to be a part of that mission.

Now, because the Guard has a huge domestic role as well in natural disasters, they can almost be used plug-and-play in any environment. And we have seen what they have been able to do overseas in the combat role. They were instrumental in the surge and turning the tide in Iraq and Afghanistan.

Recently, I guess in their role as first responders in natural disasters, Hurricanes Harvey, Irma, and Maria they participated, but they haven't yet been—I guess the funding hasn't been given back to the States or they haven't been reimbursed for the cost. So with us activating 4,000 guardsmen to the border, what is your expectation, and are the States going to be reimbursed for that cost, and when?

Secretary NIELSEN. The current approach is that the States will be reimbursed. We recently, maybe about a month ago, had a meeting with the Council of Governors, the Department of Homeland Security, and the Department of Defense and other partners, and this precise issue was raised.

I know the Department of Defense [DOD] is looking at ways to make that reimbursement process much more efficient. I am happy to provide you additional information for the record. But I would also defer to DOD because DOD is the one that regulates that process in terms of reimbursement.

[The information follows:]

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**RESPONSE:**

National Guard forces in Title 32 status are supporting U.S. Customs and Border Protection on the Southwest Border. The Department of Defense will provide Defense Appropriation Funds to pay for the National Guard service members and their operational expenses associated with this support. Because the Department of Homeland Security has no involvement in providing funds for National Guard support, the Department defers to the Office of the Under Secretary of Defense for Policy (Homeland Defense and Global Security) and the Office of the Under Secretary of Defense (Comptroller) for further information.



Mr. PALAZZO. One last, basically a statement. DHS has a UAV research facility at Camp Shelby in Mississippi. It is the largest National Guard training site in the Nation. Hopefully, you will find a way to utilize that facility and the great resources that you have there in support of our border.

With that, thank you for your responses.

Secretary NIELSEN. Thank you for that offer.

Mr. PALAZZO. I yield back.

Mr. CARTER. Thank you, Mr. Palazzo.

I would now like recognize the fact that we have been joined by the ranking member of the full committee, Mrs. Lowey, my friend. At this time I recognize her for any statement or questions she may have.

Mrs. LOWEY. Thank you, Mr. Chairman. I will get right to the questions.

And I want to welcome you, Madam Secretary. I am very impressed with your response to all of the questions. This is an enormous responsibility, and I look forward to working closely with you.

Secretary NIELSEN. Thank you.

#### ANTITERRORISM GRANTS

Mrs. LOWEY. Thank you.

In the most recent omnibus bill we provided for the first time funding for grants to nonprofits located outside of areas designated for the Urban Area Security Initiative. This is \$10 million in funding which will help those organizations improve security, which is so important at a time that hate groups are on the rise.

A recent report by the Southern Poverty Law Center reported that neo-Nazi groups grew by more than 20 percent in the past year, anti-Muslim groups grew by nearly 15 percent after tripling the previous year, and, according to the ADL, anti-Semitic incidents rose by more than 90 percent in New York in 2017.

Could you possibly let us know when you expect the grant notice to be released and when you think the funding will go out?

Secretary NIELSEN. Yes. As I understand it, most of the grants—and I will get back to you on this in particular—most of the grants are to be obligated 60 days after the appropriation goes through. But let me get back to you on this one.

I do want to just echo your thoughts. Within DHS, we have consolidated some of our offices into an Office of Terrorism Prevention. It is certainly my intention to focus on all types of terrorism, not just Islamic jihadism, but hate groups, white supremacy. We must do more across the country. We are seeing instances of all types of hate.

[The information follows:]

*Response:* The Notices of Funding Opportunity (NOFO) for the various preparedness grant programs were released on May 21, 2018. These included the NOFO for the Nonprofit Security Grant Program, which includes the \$10 million for support of nonprofit organizations beyond designated Urban Area Security Initiative (USSI) sites, as well as the \$50 million to support nonprofit organizations within designated UASI sites. Further, as required by the Fiscal Year (FY) 2018 appropriations act, the House and Senate Committees on Appropriations were briefed on the details of these programs on May 14, 2018, prior to the public release. All FY 2018 awards will be made by September 30, 2018.

## TEMPORARY PROTECTED STATUS: HAITIANS

Mrs. LOWEY. Thank you.

Also, Secretary Nielsen, last November the Department announced that temporary protected status, or TPS, for individuals from Haiti would end on July 22, 2019. Approximately 59,000 Haitians have been living in this country since at least 2010 under TPS, working, paying taxes, becoming established in their communities, marrying, and having children.

You may also be aware that the Department of State has a Level 3 travel advisory for Haiti, meaning that people should reconsider any plans to travel there because of the conditions on the ground.

Specifically, the State Department cites political violence, civil unrest. It says that violent crime is common, including robberies, assaults, vehicle break-ins, and home invasions. It also says the local police may not be able to respond effectively to crime or emergency.

Haiti is the poorest country in the Western Hemisphere, with well over half of the population living under the poverty line.

Secretary Nielsen, how can we possibly rationalize sending 59,000 people back to those kinds of conditions? And do you believe that we should find a way to allow this group of people, who in almost every respect are now Americans, to continue living in the United States? And will the administration support efforts to do so?

Secretary NIELSEN. Thank you. As you know, there are about 400,000 people here currently under TPS [temporary protected status], a large chunk from Haiti; and a much bigger chunk, I think around 250,000, from El Salvador. I have testified before that I am committed to helping to find a permanent status for these TPS recipients.

I would say, ma'am, though, that the law really restricts my ability to extend TPS. The law says that if the effects of the originating event—so it is a causation issue—do not continue to exist, then the Secretary of Homeland Security must terminate.

The difficulty there is what you are describing. If the underlying conditions in a country are themselves dangerous, unfortunately, that is not something that I can consider in the termination. I can consider that in the drawdown, the additional time in which to work with the government.

I have pledged and will continue to pledge to work with all the governments to try to help them repatriate. We are having a variety of discussions with Haiti as well on how to do that. But this is a very unfortunate situation, and so I would be happy to work with you to find a better solution.

Mrs. LOWEY. I thank you very much, because I think that a better solution has to be the response, and I appreciate you are willing to work together. Thank you very much.

And thank you, Mr. Chairman.

Mr. PALAZZO [presiding]. The chair recognizes Mr. Taylor for 5 minutes.

## H-2B: TIMELINE FOR CERTIFICATIONS

Mr. TAYLOR. Thank you, Mr. Chairman.

And, Madam Secretary, thank you for being here today, answering great questions, and having great answers. Thanks for your service. I know you are in a tough job and wearing a lot of hats. And certainly give our best and thanks to the many men and women who serve under you for everything they do.

I would like to just touch really briefly, I want to foot stomp on what Congressman Ruppertsberger said and Mr. Harris. Yes, I grew up in his district, but now I am in Virginia. And in Virginia, of course, which I have been in many years, but a third of the seafood plants won't be open for processing, and they should already be at work. So ultimately this hurts income and economic impact and ultimately American jobs, and not just the seafood industry, but in tourism and many other areas around the country.

So I guess I want to pin you down a little bit more on it. I know that you guys are working on it. Have you spoken to Secretary Acosta about it? Obviously, it was passed and signed into law 3 weeks ago. You mentioned additional constituencies that you need to speak to. Who are they and are they people who are not in support of raising the cap?

I want to kind of pin you down on that, because we are already behind the curve and we knew we had this problem last year.

Secretary NIELSEN.

The other constituencies are—two things. Trying to understand as we do this that we do it in a way where we are providing it to those who truly are seasonal.

As you remember, last year we did a rulemaking that required a variety of certifications for the companies, first of all, to say that they did in fact need foreign workers and that they couldn't fill them with American workers, but also moving toward what the program was meant to be, which is for seasonal workers, not a worker who works all year round in a certain industry.

Having taken all of that into consideration, I am continuing discussions with Secretary Acosta. Yes, of course, there are two sides of this, as you know. But as I said in response to Congressman Harris, the intent here is not to put American businesses out of business. That can't possibly be the goal.

Mr. TAYLOR. If I may.

Secretary NIELSEN. Please.

Mr. TAYLOR. But, again, this is something that it was last year that we had this same conversation with then-Secretary Kelly.

Secretary NIELSEN. Yes.

Mr. TAYLOR. So this is not a new thing. And it is hurting economic impact. It is actually hurting American jobs. Understanding that we want to make sure that the process deals with folks that shouldn't be here and all that stuff and make sure it is responsible, but it was over a year ago we had the same problem. It has been signed for 3 weeks. We want to get a timeline on this, because it is hurting our businesses. So can you speak to that, that timeline?

Secretary NIELSEN. I believe it is Wednesday, I think, Wednesday. So how about I get back to you on Friday with a timeline? I just need to touch base with Secretary Acosta.

## CYBERSECURITY: WORKING WITH PRIVATE SECTOR

Mr. TAYLOR. Perfect. And I would love to be a part of any discussions.

Switching topics really quickly, sorry, because I don't have a lot of time, to one that you like better, probably: cybersecurity, which is a huge issue. And I echo what Congressman Ruppertsberger said about coming together. I want to see your report, of course.

Ninety percent of cyberspace, of course, is in private hands. And I know that we are working with the private sector more, which, of course, we have to, now that targets aren't necessarily military and civilian anymore. That is all gone. Those days are gone.

How are we working with the private sector in a more efficient way? And can you provide specific examples of sort of how we are doing that? That is, obviously, that you can speak about.

And then you mentioned maturing the Department, which is great in some areas, not necessarily in cyberspace, of course. We want to disrupt it, right, because that is what is happening with the increasing amount in computing power, of course, with individuals, with terrorist organizations, with transnational actors, and, of course, nation-states.

So, again, how are we working with the private sector to better protect the homeland? And then also how are you and the Department disrupting yourselves to figure out ways to be able to be more effective and efficient and not have silos, which has obviously been a problem that I have seen with cybersecurity, not just in Homeland, but in DOD and other places?

Secretary NIELSEN. Yes. Thank you. The jokes about hacking never cease. So, yes, we are trying to hack ourselves to make ourselves more efficient.

On the critical infrastructure side, as you know, we have an extensive partnership that is very efficient. We are really focused on getting more threat information into their hands much more quickly and in a tailored way.

At the beginning of all of this, we were able to tell sectors, all 16 at the same time, there is a heightened threat of X. But that is not very useful. The energy sector is very different than the water sector, which is different than the financial sector.

The ISACs, the Information Sharing and Analysis Centers, are a very important role here. We can take in information in an anonymized way, do the pattern analysis, and push it back out. That is another way that we have matured our interaction.

We also are working with other partners, the intel community and FBI [Federal Bureau of Investigation]. As you know, we just put out a guidance memo recently about hacking into industrial control systems, everything from energy to water and which is completely cross-sector, to give them more not only understanding of the threat, but protective measures, what they need to do to protect against this.

We also have been working to expand our Automated Indicator Sharing program. This is one that works best as sort of a Costco model. The more people who join this program, the better information that we can give out.

We have asked companies who might not necessarily need it because they themselves are very mature to join anyway so that we can use them to help raise the level of the weakest link of everybody else.

What I would say is that it is a constant communication. When we see anything suspicious, we have the ability now, we have the points of contact. Sometimes it is almost that easy, as you know, and that hard to make the phone calls, to work in a collaborative way. We have the private sector represented in our ops center. It is a true partnership. We also have brought, of course, in the FBI and the IC [Intelligence Community].

Mr. TAYLOR. Thank you, Madam Secretary. I look forward to working with you.

Thank you, Mr. Chairman.

#### BORDER WALL DETENTION BEDS

Mr. CARTER [presiding]. Thank you.

We have completed one round here. You are planning on leaving about 12:30. I would like to ask one more question—it will actually be two but I will put them together—and then I will let Ms. Roybal-Allard take one, and then we won't have time to do anymore. I promised to get her out at 12:30. It will be a little after that. Not much.

Mine is real simple. Historically in this subcommittee you have had two issues that have been at odds and they have been difficult to deal with. We deal with them because, as Ms. Roybal-Allard said, we work well together. The issues are on the front page of every newspaper. The border wall is one issue and detention beds is the other.

I would like to know your thoughts on border walls or border barriers as a necessity on the border and your thoughts on the number right now proposed, it is 2,000 beds, and what you see that to be as it helps to solve our problem.

Secretary NIELSEN. Thank you.

As a person who myself has not been part of CBP, that is not a part of the Department where I have ever worked, I suppose I have a particular understanding of recognizing that those on the front lines are uniquely positioned to tell us what they need.

And those on the front lines in CBP, whether they be the Office of Field Operations or the Border Patrol, have consistently said that from an impedance and denial perspective, it is very important to have physical infrastructure as part of a broader layered system of border control.

We have seen this work. We have seen this work in Yuma. We have seen this work in San Diego. Instances of illegal entry in both cases went down 95 percent. That is a very difficult number to argue with that is factual.

Do I believe that we need to do border infrastructure at every place on the border? Absolutely not. Do I believe that the border is the same in every place? Absolutely not.

What I think we need to do is to listen to the operators who are there. They understand the threat. They understand the trends. They understand the environment. In some places, as you know,

we have walls that move with the sand. I mean, we have some very unique requirements on some parts of the border.

Pulling all of that together in the great analysis that they have done through the Border Security Improvement Plan really lays out a very technical and tactical way forward with respect to a tool-kit and having the wall system.

I also would say quickly that the wall system is not just the infrastructure. That is very important. It is also the technology and it is also the personnel. CBP will tell you about four core capabilities. It is the impedance and denial, it is the surveillance, it is the access roads, and it is the personnel. Together, that gives us what we need and the right mix to prevent illegal entries.

There is, if I could, a lot of talk about why a wall between ports of entry, why not just focus at ports of entry. I don't think it is an either/or. We have talked about nonintrusive detection equipment. We need to be better at the borders to detect drugs and other nefarious activity.

Between the borders, what we see is this great increase in traffic. The problem with that is once smugglers have developed a network, they can smuggle anything through that network. It could be drugs, it could be guns, it could be terror. It is not just illegal immigrants.

There is a possibility now for the numbers to increase more. About two-thirds of people whom we interdict are between the points of entry, not at the points of entry.

This one last thing I will say about drugs is, although we continue to have more drugs or see more instances of drugs at the ports, there are two very important caveats with that. One, we don't know what we don't know between the ports of entry. And two, what we see are those who facilitate the drug trade, the drug traffickers and the smugglers. They are going between the ports of entry.

So if you want to fight the drug problem, you have to fight it both ways. There is the product and then there are those who sell it and who enable the illegal activity.

With respect to the beds, as you know, we base that on a modeling tool that ICE uses on daily population, on trends. We do it 2 years out. We refine it as we go. We then multiply the cost out by the daily direct cost, which is everything from medical care to food and clothing for those who are detained.

The numbers can change a bit. So sometimes there is room, when we have an amount appropriated, to work within that appropriation on the number of beds we need. But the current ask is based on solid modeling, solid increases in numbers of both enforcement and those we interdict and what we see coming.

Certainly, at any time, I am happy to come give you an in-depth brief on why we believe we need 52,000 beds.

Mr. CARTER. Thank you very much.

Ms. Roybal-Allard.

#### UNACCOMPANIED CHILDREN

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman.

It has been very difficult to decide which one question I am going to be asking because I have several concerns about unaccompanied

children, about TPS, as well as sanctuary cities. Because I do believe there is some kind of misunderstanding, at least as it pertains to California, about what it means to be a sanctuary city, and maybe we can follow up later.

Very quickly, I just want to add to an issue that Mr. Cuellar brought up. I agree that we need more judges, but I also believe that we need to find a way for those who particularly are seeking asylum to have more access to counsel, to attorneys, and to advocates.

Also, with Dr. Harris, the concerns that he raised. I just think it is another example of the need and the value of immigrants to sectors of our American economy.

And then finally, when it comes to DACA, I just want to point out that while DACA recipients are protected, the fact is there are probably about 100,000 Dreamers who currently are barred from applying for DACA who are vulnerable to deportation. And I hope that we can work together to address that issue.

Lately there have been several stories in the press about the separation of families by CBP and ICE. Given the traumatic and truly irreparable harm, as many experts have told us, that this separation has on children, what are the justification and the circumstances under which departmental components can separate minor children from their parent or their guardian? And if the Department has concerns about the validity of a claimed familial relationship, what is the process for verifying or debunking that claim?

Secretary NIELSEN. Thank you.

The current standard at CBP—and as you know, often if we are talking about the border, CBP, the Border Patrol, are the first to encounter a family unit—the standard is, in every case, to keep that family together as long as operationally possible, first of all. That is the presumption going in.

When we separate, we separate because the law tells us to, and that is in the interest of the child. If we cannot confirm that the adult who is accompanying them is either a legal guardian or parent, we do seek, as you say, to verify that, and I will talk about that in a second.

Under the Trafficking Victims Protection Act, it tells us that we need to prevent trafficking. Unfortunately, we have seen instances where traffickers have used children to cross the border and gain illegal entry. So when we do separate, we do it to protect the child. The child [Department of Health and Human Services] as you know, or unaccompanied alien, then goes over to the care of HHS as we determine what to do with the adult.

I have talked a lot with Commissioner McAleenan about this and Director Homan. What they do, in general, is that they reach out to the consulates. They look for paperwork. Unfortunately, in an increasing number of cases, we encounter migrants who do not have paperwork, for whatever reason. We, of course, look to see if they have paperwork to validate that.

We work with the consulates. So we do interviews. In some cases, HHS, as I understand, it will do a DNA check, voluntary, of course, to try to prove that there is a relationship there.

This is an area where I think a lot more clarity would be very important. I also have asked those to our south, partners that we

have worked with at the consulate level, to make it very clear that the paperwork is very important to prevent these type of issues. We really are trying to protect the children when we do this.

Ms. ROYBAL-ALLARD. Now there are stories that have been validated about a mother, for example, the Congolese mother being separated from her 7-year-old child and was not given an opportunity to either have a DNA test or anything for months, and was separated for months. And then finally those tests were given and it determined that she was actually the mother of this child. And I am just wondering if anything is being considered or being put in place to avoid those kinds of things from happening.

And secondly, if any thought has been given to perhaps maybe do some of what under the previous administration was to work with the United Nations High Commissioner on Refugees to identify refugees in the Northern Triangle region so that they would not have to make that dangerous journey to the United States to claim asylum. Instead, they could travel to refugee processing centers in the regions where they could live safely during the vetting process before being settled in the United States or in another country.

I am just wondering if any consideration has been given to looking into that as a way of protecting the children and those seeking refuge, as well as it would alleviate a lot of the challenges that we have at our border currently.

Secretary NIELSEN. In the Congolese case that you mentioned, it took too long. We are working through that. As you know, it is a case of ongoing litigation, so, unfortunately, I am prohibited from giving you additional detail at this time. It took too long. So we are looking at that particular case and learning from it.

I actually have planned an additional conversation with the UNHCR [United Nations High Commissioner for Refugees] in upcoming weeks. That is an important partnership.

What I have asked of the office as well as those to whom we speak at the embassies and my counterparts is exactly what you are describing. Could we better educate the public in these countries so that they can go to the consulate, they can go to the embassy? There are other ways to find safe haven without taking this dangerous journey and then putting themselves at further risk by coming here illegally.

So, yes, I think we need to do more education to help them understand their options.

Ms. ROYBAL-ALLARD. But also have to make sure that they would be safe in their country—

Secretary NIELSEN. Understand.

Ms. ROYBAL-ALLARD [continuing]. And the reason why they are leaving while they are going through the process.

Secretary NIELSEN. Yes, ma'am.

Ms. ROYBAL-ALLARD. OK. Thank you.

Mr. CARTER. Secretary Nielsen, thank you for your testimony. I commend you for being very well prepared. We have learned a lot from you today.

As I have told you when I talked to you on the phone—Ms. Roybal-Allard feels the same way—we are part of the team here to help you. Keep us informed. If you need our assistance, let us



know. This committee and every member of it is pledged to try to do the mission you are trying to do: make this country safe.

Thank you for being here. We missed our time by 6 minutes.

Secretary NIELSEN. Well, sir, thank you so much.

And thank you to all of you. I look forward to working with you.

Mr. CARTER. And we are in recess. Thank you.

[CLERK'S NOTE: The Department of Homeland Security did not supply answers to submitted questions in time for inclusion in the record.]



THURSDAY, APRIL 12, 2018.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND  
U.S. CUSTOMS AND BORDER PROTECTION**

**WITNESSES**

**HON. KEVIN K. MCALEENAN, COMMISSIONER, CUSTOMS AND BORDER  
PROTECTION**

**MATTHEW T. ALBENCE, EXECUTIVE ASSOCIATE DIRECTOR FOR EN-  
FORCEMENT AND REMOVAL OPERATIONS, IMMIGRATION AND CUS-  
TOMS ENFORCEMENT**

**DEREK N. BENNER, DEPUTY EXECUTIVE ASSOCIATE DIRECTOR,  
HOMELAND SECURITY INVESTIGATIONS, IMMIGRATION AND CUS-  
TOMS ENFORCEMENT**

Mr. CARTER. Good morning. We have one more coming in right now and we are going to get started.

I want to welcome our panel of witnesses. Today we have Kevin McAleenan, the Commissioner of the CBP. We have Matthew Albence and Derek Benner, Executive Directors for ICE Enforcement and Removal Operations and ICE Homeland Security investigations.

Commissioner, we visited yesterday. It was a good visit. And while we have known each other for a while, today is the first time that you have appeared, I believe, as the confirmed Commissioner of CBP. Congratulations on your confirmation.

The subcommittee is holding a hearing on the budget request for two DHS components, ICE and CBP, for a couple of reasons.

First, it is practical. Given the late start for the fiscal year 2019 budget hearing cycle, we are operating on a compressed schedule in order to meet this committee's objective of completing the Homeland Security appropriations bill in July.

Second, having ICE and CBP testify together provides an opportunity to hear how they operate jointly and how those operations informed the budget request.

The fiscal year 2019 budget request for CBP is \$14.2 billion, an increase of \$218 million above the amount provided for fiscal year 2018. This includes \$1.6 billion for new physical barriers.

There are legitimate questions about the request that require answers. For example, spending is proposed for various types of barriers, but it is unclear where they will be located or if they can be executed in fiscal year 2019. Likewise, we need to understand how this budget request supports security at the ports of entry.

The fiscal year 2019 budget request for ICE is \$8.8 billion in discretionary spending, an increase of \$1.4 billion over fiscal year 2018. The largest share of the increase supports the hiring of 2,000 ICE agents and 52,000 detention beds.

The subcommittee needs to understand how fiscal year 2018 appropriations may be impacted by these requests. We want to work

with you and make sure that the fiscal year 2019 funding builds on the work we will accomplish this year.

Before I turn to our witnesses for their statements, the text of which is included in the record, I would like to recognize my distinguished ranking member, Ms. Roybal-Allard, for any remarks she may wish to make.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman.

And welcome, Commissioner McAleenan, Associate Director Albence, and Associate Director Benner.

I will make my opening statements very brief so that we can maximize the time for questions.

Commissioner McAleenan, congratulations on your recent confirmation. We have spoken about the significant challenges you and CBP face, and I want to reaffirm my commitment to helping you address those challenges.

As you know, I disagree with the approach of the current administration in some areas. But there is no disagreement on the need to continue building on the significant progress made over the last decade in border security, both between the ports of entry and at the ports. And there is a broad consensus on continuing to invest in improvements at the ports that will better facilitate the flow of commerce.

Mr. Albence and Mr. Benner, I regret that Mr. Homan was unable to join us this morning, but I am glad to have you both here to answer our questions. Director Homan and I have had frank, respectful discussions about our disagreements on ICE policies and priorities. And while we won't resolve those disagreements this morning, I appreciate his willingness to maintain open lines of communication.

A high priority for me is ensuring that individuals in the custody of your agencies are treated fairly and humanely and according to appropriate standards. No matter the policy disagreements we have, I hope we can work constructively together in that area.

Thank you, Mr. Chairman, and I look forward to our discussion this morning.

Mr. CARTER. Thank you, Ms. Roybal-Allard.

We are joined by the ranking member of the full committee, Mrs. Lowey. Mrs. Lowey is recognized for any statement she wishes to make.

Mrs. LOWEY. Thank you, Mr. Chairman.

And I would like to thank Chairman Carter and Ranking Member Roybal-Allard for holding this important hearing.

And thank you to each of the witnesses for being here this morning.

I want to be very clear. Your agencies are critically important to the security of this country. Ensuring the integrity of our borders and enforcing immigration laws are difficult but necessary jobs, and we appreciate the hard work and dedication of the thousands of personnel at both CBP and ICE. Congress must carefully prioritize efficient use of taxpayer dollars to protect our security, grow the economy and facilitate trade and safe travels.

Democrats fundamentally disagree with this administration's politicization of border security and its often heartless decisions and priorities on immigration enforcement. Longstanding practice

has been to prioritize removal efforts on those convicted of serious crimes, not our neighbors who have lived here for decades, working hard, contributing to our economy, and raising families. Yet, for CBP the budget request includes \$1.6 billion for 65 miles of border wall and \$164 million to hire 750 new Border Patrol agents and 153 support personnel.

CBP has not yet explained why these funds are needed at a time when apprehensions at the border are still historically low and many of those apprehended are surrendering themselves to Border Patrol. The President's obsession with fulfilling his campaign promise for a border wall remains deeply concerning.

The deployment of the National Guard is yet another misguided and impulsive decision that the Department is being forced to justify while other national security priorities are being stretched thin.

For ICE, the budget requests an increase of 11,500 beds and the hiring of 3,300 new personnel, including 2,000 new law enforcement positions. Those increases are clearly included to support the administration's overly aggressive and unacceptable interior enforcement policies.

Finally, the administration proposes to change the law to tie the hands of State and local law enforcement on how best to police their communities and to authorize DHS and DOJ to condition certain grants on a jurisdiction's cooperation with ICE. This runs contrary to Federal court precedent, could result in victims of crimes staying in the shadows, reduces trust between law enforcement and the public. Quite simply, it will make our communities less safe.

President Trump continues to speak and tweet extensively and inappropriately, often outlining his draconian plans to detain and deport as many people as possible. The most prominent increases in this budget are rooted in that ugly sentiment. It is unconscionable and unacceptable.

This budget request does not reflect the serious nature of the threats we face. Well over a year after the 2016 election, it is time we move on from empty campaign threats and start focusing on what is needed to keep American families safe.

Thank you, Mr. Chairman. And thank you again.

Mr. CARTER. Well, thank you.

I think that concludes our opening statements. We will allow to hear your testimony at this time.

Commissioner.

#### OPENING STATEMENT OF MR. MCALEENAN

Mr. MCALEENAN. Good morning. And thank you, Chairman Carter, Ranking Member Roybal-Allard, full committee Ranking Member Nita Lowey, and members of the subcommittee. I really appreciate the opportunity to appear before you today.

I have had the chance to engage with this subcommittee many times in many different capacities over the years, and I have always appreciated the deep expertise and commitment to support our critical mission from both members and staff.

As you noted, Mr. Chairman, this is my first chance to appear as the Commissioner of CBP, and it is a sincere honor to represent

the 60,000-strong men and women of U.S. Customs and Border Protection in that role.

CBP carries out three core missions critical to our national security and economic prosperity: counterterrorism, border security, and securing and facilitating international trade and travel.

The President's fiscal year 2019 includes a total of \$16.7 billion to enable CBP to achieve our complex mission with the right combination of dedicated personnel, risk-based strategies, collaborative partnerships, advanced technology, and tactical infrastructure.

Before discussing the fiscal year 2019 budget, I would like to briefly address the recently passed Consolidated Appropriations Act of 2018. I would like to thank the subcommittee for your support of CBP's mission, including the largest investment in border wall in more than a decade. We are already putting this funding to work on behalf of the American people.

CBP has worked closely with this committee in recent years to continually improve our ability to support our budget request with operator-derived, data-supported, and rigorously analyzed requirements. I look forward to continue working with you to ensure that the funding we request supports our highest priority needs.

#### BORDER SECURITY: WALL

The fiscal year 2019 budget request includes continued investments in key mission areas. With regard to border security, the President's budget requests \$1.6 billion to be applied toward the construction of 65 miles of border wall system, a need identified by the field and supported by CBP's full-spectrum requirements analysis process.

In conjunction with the border wall system, technology is a force multiplier in the border environment that increases situational awareness and decreases risk to the safety of our frontline personnel.

The budget request proposes investing \$220 million in the sustainment and continued deployment of technology to strengthen border security operations between the ports of entry and the land, air, and maritime environments.

#### CBP: HIRING

The budget also recognizes—and this is, obviously, a critical topic for our hearing today—that the men and women of CBP are our greatest assets. I am very proud of their dedication, integrity, and commitment.

But CBP has faced challenges in meeting our hiring goals in the past several years. However, due to 40 individual enhancements to CBP's hiring process, we have seen improved results, despite record low unemployment around the United States and intense competition for highly qualified, mission-inspired people.

Several key indicators are moving in a positive direction. CBP's hiring totals last year surpassed the prior year by 14 percent, and we estimate that we will increase the number of Border Patrol agents and CBP officers hired in fiscal year 2018 as well. The total number of frontline applicants has increased, and we intend to make progress with targeted digital recruiting.

Further, attrition dropped last year. Our applicant-to-successful-hire ratio has improved significantly and we are making improvements to our polygraph process. I am keenly aware that we are not where we need to be in this area, and hiring and sustaining a world class law enforcement workforce will continue to be my highest mission support priority for U.S. Customs and Border Protection. There is simply no area where we are working harder.

We want to build on this momentum in 2019 by requesting \$46 million for recruitment and applicant processing transformation. This will support the requested increase of \$164 million to hire, train, and equip an additional 750 Border Patrol agents from the fiscal year 2018 requested levels.

Importantly, this budget also includes an additional \$45 million to continue to support the operational mobility program that helps reduce Border Patrol agent attrition and staff hard-to-fill locations.

#### CBP: FACILITIES

The 2019 budget request also supports critical investments in facilities that our agents operate in every day, including \$33 million to construct a new Border Patrol station in Freer, Texas.

At our Nation's ports of entry, the men and women of CBP present dangerous people, contraband, and plant, pest, and animal diseases from entering the United States while facilitating the flow of lawful trade and travel.

#### NON-INTRUSIVE INSPECTION TECHNOLOGY

The budget request includes \$44 million to build upon and re-capitalize CBP's Non-Intrusive Inspection technology. NII helps CBP interdict illicit narcotics, including opioids and synthetics like fentanyl, at our ports of entry and our international mail and express consignment facilities.

#### NATIONAL TARGETING CENTER

Additionally, the budget proposes an increase of \$27 million for improved intelligence and targeting capabilities at CBP's National Targeting Center. The NTC works to effectively identify and interdict travelers and cargo that may pose a threat to the United States.

#### TRADE FACILITATION/ENFORCEMENT

CBP's trade facilitation and trade enforcement role is critical to our Nation's economic security. The budget request includes \$2 million for 26 positions to support CBP's ongoing implementation of the Trade Facilitation and Trade Enforcement Act. The request also includes an increase of \$5.5 million to develop and deploy additional functionality in our Automated Commercial Environment, or ACE, the single window for submission of trade data to the U.S. Government.

With the ongoing support of Congress, CBP will continue to secure our Nation's borders while facilitating international trade and travel.

Thank you again, Mr. Chairman, for the opportunity to appear before you today. I look forward to your questions.

[The information follows:]



TESTIMONY OF

KEVIN K. MCALEENAN  
Commissioner  
U.S. Customs and Border Protection

BEFORE

House Appropriations Committee  
Subcommittee on Homeland Security

ON

“FY 2019 Budget Hearing - U.S. Immigration and Customs Enforcement  
and U.S. Customs and Border Protection”

April 12, 2018  
Washington, DC



## Introduction

Chairman Carter, Ranking Member Roybal-Allard, 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 from terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful travel and trade. The President's Fiscal Year (FY) 2019 Budget includes \$16.7 billion in total discretionary and mandatory funding to help enable CBP to achieve our complex and vital mission with the right combination of talented and dedicated personnel, intelligence-driven and risk-based strategies, collaborative partnerships, tactical infrastructure, and advanced technology.

This Budget supports CBP's roadmap to meet our mission goals and reinforces the steps taken by President Trump and his Administration. Before discussing in detail the FY 2019 President's Budget, I would like to address the impact of the recently passed Consolidated Appropriations Act, 2018. I would like to thank Congress for its support of CBP's mission through investments in border infrastructure and technology, port security, and recruitment and retention efforts, to include the largest investment in border wall in more than a decade. We are eager to put this funding to work to improve our nation's security and facilitate trade and travel.

The timing of the appropriations, however, has an impact not only on our execution of that funding in the remaining months of the current fiscal year, but cascading impacts on our planned future year investments as well. As the Committee is aware, the FY 2019 Budget was created to build upon the FY 2018 Budget. In a number of key areas, the FY 2018 appropriation diverges from the FY 2018 Budget both in terms of funding levels and limitations on where and how CBP can use the funding provided. The enacted FY 2018 appropriation does not fully fund our most critical needs for border wall system construction, which deviates from the advice of frontline agents and the priorities articulated in the Border Security Improvement Plan that was submitted to the Subcommittee in January 2018. For these reasons, the Administration continues to seek Congressional support for the unfunded FY 2018 priorities. Additionally, the Department remains committed to working closely with this Committee to provide risk-based, analytically informed operational requirements to support our budget requests. I would appreciate the opportunity to come back to the Committee as we evaluate the impact of the FY 2018 Omnibus on our requirements.

Returning to the details of the FY 2019 Budget, I would like to highlight the proposed investment of \$2 billion in critical border security initiatives. These initiatives include enhancements in high-priority border security technology, tactical infrastructure, assets, and equipment. The Budget also includes \$67 million for trade and travel facilitation and enforcement initiatives, as well as \$27 million to fund CBP's ongoing efforts to counter terrorism and Transnational Criminal Organizations (TCOs) and promote the safety of Americans. Finally, the Budget includes \$85 million to help CBP meet future challenges and opportunities by investing in developing CBP's capabilities and processes throughout the organization. These investments will enhance border security, enforce the Nation's immigration laws, promote public safety, minimize the threat of terrorist attacks by foreign nationals, maintain our ability to provide critical emergency response support to our DHS component partners, and protect American workers from unfair foreign competition.

Along the more than 5,000 miles of border with Canada, over 1,900 miles of border with Mexico, and approximately 95,000 miles of shoreline, CBP is responsible for preventing the illegal entry of people and contraband at and between the Ports of Entry (POEs). 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 continue to meet these challenges with integrity and commitment.

### **CBP's Border Security Initiatives**

#### *Physical Barriers Between the POEs*

Between the POEs tactical infrastructure, including physical barriers, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southwest Border. It is undeniable that border barriers have enhanced – and will continue to enhance – CBP's operational capabilities by creating persistent impedance and facilitating the deterrence and prevention of successful illegal entries. CBP plans to deploy a border wall system in a multi-phased and prioritized approach that meets the U.S. Border Patrol's (USBP) operational requirements, safeguards national security and public safety, and is the result of thorough analysis of threat, cost, and mission effectiveness. Border wall systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as physical barriers, all-weather roads, lighting, sensors, enforcement cameras, and other related technology, and contribute to USBP's core master capability impedance and denial.

The land along the border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Thanks to the support of Congress across numerous Presidential Administrations, today, we have several types of barriers, to include steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southwest Border. In FY 2017, Congress provided \$341 million for 40 miles of barrier replacement projects and 35 mechanical gates to close gaps in the existing infrastructure in Rio Grande Valley Sector (RGV). Using these funds, CBP is replacing approximately four miles of primary pedestrian barrier and approximately 20 miles of vehicle barrier in El Paso Sector; approximately two miles of primary pedestrian barrier in El Centro Sector; and approximately 14 miles of primary pedestrian barrier in San Diego Sector using steel bollard wall designs.

The FY 2018 Budget included approximately \$1.6 billion for 14 miles of secondary barrier replacement in San Diego Sector, as well as 32 miles of new border wall system and 28 miles of new levee wall system in RGV. However, Congress provided \$1.4 billion for new and replacement fencing in the FY 2018 Consolidated Appropriations Act.

The FY 2019 Budget continues replacement efforts and adds additional miles of border wall system along the Southwest Border. Building upon the FY 2018 Budget, the FY 2019 Budget includes \$1.6 billion to be applied towards construction of 64 additional miles of border wall system and one mile of replacement wall in RGV, the highest priority sector for the Border Patrol. In recent years, RGV has seen an increase in the flow of illegal alien traffic, and is an area with fewer barriers and less technology than elsewhere along our Southwest border. The combination of rural, rugged terrain that includes the Rio Grande River, as well as urban areas such as Rio Grande City and McAllen, lead to short vanishing times for those illegally crossing the border and

then blending in with the general population. The portions of wall system currently in place are insufficient to impede and deny the flow of people and contraband into RGV, which now has the highest volume of narcotic seizures of any USBP sector—41 percent of all Southwest Border marijuana seizures—as well as 38 percent of all Southwest Border apprehensions.

CBP's proposed future investments, including in RGV, leverage CBP's annual, full spectrum requirements analysis process, which creates a consistent, repeatable, and field-driven approach to conducting mission analysis and planning aimed at identifying capabilities gaps across the complex environments USBP and Air and Marine Operations (AMO) agents work in every day. Capability gaps captured directly from the field using this process are explored through qualitative and quantitative analysis and other evidence to provide information to decision-makers about the border security mission space across the Northern, Southern, and Coastal Borders of the United States. This methodology leads to informed investments that achieve the greatest possible operational impact. As the threats along the borders change, CBP will update this analysis as needed to maximize the impact of future investments.

CBP is seeking to build on the successes of, and lessons learned from, the construction and operation of existing barriers to deploy a system that addresses dynamic cross-border threats. Additionally, we are working with industry and partnering with the U.S. Army Corps of Engineers to incorporate additional alternative barrier design features and other innovative solutions into our border barrier systems. Finally, we remain absolutely committed to ensuring that all stakeholder communities, to include Congress, federal partners, state, local, tribal and territorial officials, and the impacted communities, are informed throughout this process.

#### *Technology Investments between the Ports of Entry*

The FY 2019 Budget proposes an investment of \$219.9 million in the sustainment and continued deployment of proven, effective technology to strengthen border security operations between the POEs in the land, air, and maritime environments. Technology complements the operational capabilities provided by tactical infrastructure and enhances CBP's operational capabilities by increasing the ability of the men and women of CBP to detect and identify individuals illegally crossing the border; detect dangerous goods and materials concealed in cargo and vehicles; and detect and interdict illegal activity in the air and maritime domains. For CBP, the use of technology in the border environment is an invaluable force multiplier that increases situational awareness as it enhances the ability of our agents and officers to detect and respond to illegal activity quickly, with less risk to the safety of our front-line personnel.

Fixed systems provide persistent surveillance coverage to efficiently detect unauthorized border crossings. Once detection is confirmed, USBP can quickly deploy the appropriate personnel and resources to interdict the item of interest. The Budget supports these critical assets by including \$22.0 million in FY 2019 for operations and maintenance of the Integrated Fixed Tower (IFT) program and \$2.0 million to support IFT deployment activities. In some areas along the Southwest Border, USBP also uses Unattended Ground Sensors (UGS), which provide short-range, persistent surveillance. The FY 2019 Budget includes an increase of \$6.8 million to purchase UGS and for UGS Maintenance and Support Contracts.

Remote Video Surveillance Systems (RVSS) are fixed technology assets used in select areas along the Southwest and Northern Borders. These systems provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers, or other structures. The RVSS uses cameras, radio, and transmitters to send video to a control room. This enables a control room operator to remotely detect, identify, classify and track targets using the video feed. The FY 2019 President's Budget includes \$43.7 million for the deployment of 54 fixed RVSS sensor towers and command and control technology at four Station areas of responsibility in the RGV Sector.<sup>1</sup> The program will provide complete command and control modifications for all eight Station areas of responsibility, along with adding new Station towers and Communication Relay towers. The FY 2019 Budget also includes \$27.4 million to sustain RVSS, as well as \$8.1 million for the continued sustainment of the Northern Border RVSS program. Without investments in the deployment and sustainment of fixed-system technology such as IFT, RVSS, and UGS, the USBP's ability to detect, identify, classify, and track illicit activity would be significantly limited.

In areas where rugged terrain and dense ground cover may limit the effectiveness and coverage of fixed systems, USBP also uses mobile and relocatable systems. Mobile Video Surveillance Systems (MVSS) consist of short- and medium-range mobile surveillance equipment mounted on USBP vehicles. The Budget includes \$13.4 million to provide operations and sustainment funding for MVSS, and an additional \$1.6 million to support future procurement to fulfill operational needs on the Southern and Northern Borders. The Subcommittee's support of these investments gives CBP the flexibility to shift more frontline personnel from detection duties to interdiction of illegal activities on our borders.

The Budget also seeks significant investments to our aircraft fleet. The FY 2019 Budget includes \$56.7 million to purchase two King Air350ER multi-role enforcement aircraft (MEA). MEA are the optimal sensor-equipped aircraft for surveillance operations in regions along the Southern and Northern Border, and maritime environments where terrain, weather and distance pose significant obstacles to border security operations. MEA further serve as a force multiplier for law enforcement and emergency response personnel, facilitating the rapid-response deployment of equipment, canines and people.

The P-3 Long Range Tracker and Airborne Early Warning Aircraft provide critical detection and interdiction capability in both the air and marine environment. Their sophisticated sensors and high endurance capability greatly increase AMO's range to counter illicit trafficking. CBP P-3s are an integral part of the successful counter-narcotic missions operating in coordination with the Joint Interagency Task Force-South. The P-3s patrol a 42 million-square-mile area that includes more than 41 nations, the Pacific Ocean, Gulf of Mexico, Caribbean Sea, and seaboard approaches to the United States. As of March 10, 2018, P-3 operations this fiscal year have resulted in the seizure of 52,839 pounds of cocaine, with a wholesale value of \$711 million. Additionally, CBP P-3s were called upon numerous times to image the catastrophic damage inflicted by Hurricanes Irma and Maria so that FEMA could assess the level of devastation and prioritize its immediate response. P-3 Airborne Early Warning aircraft provided crucial radar advisories to search and rescue aircraft, disaster relief, DOD, USCG and law enforcement aircraft when the Federal Aviation Administration radars were out of service. They are also critical during contingency operations; the P-3 provided 24-hour coverage as an airborne communications platform over Puerto Rico and transported thousands of pounds of humanitarian supplies. The FY 2019 Budget

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<sup>1</sup> These will be deployed in Rio Grande City (RGC), McAllen (MCS), Weslaco (WSL), and Harlingen (HRL).

includes an increase of \$13.6 million to fund the Depot Level Maintenance program, a required maintenance activity to ensure the upkeep of the aircraft's structure through the detection and repair of corrosion damage, as well as the required technology refresh for CBP's P-3 aircraft fleet.

Aircraft sensor electro-optical/infrared (EO/IR) systems provide improved detection and identification capabilities, greater standoff ranges for more covert operation and safety, and have laser range finders, laser target illumination, and shortwave infrared functionality, which enhance mission coordination between airborne and ground agents. These sensors are utilized on multiple AMO platforms to greatly enhance border security and pursue legal action against TCOs through airborne surveillance in coordination with investigative elements. The EO/IR systems allow agents and investigators to view and record criminal activity for prosecution without alerting the suspects to their presence. Most of AMO's EO/IR systems are technologically outdated and have obsolescence issues, which causes maintenance and reliability issues. There are approximately 150 sensors, or upwards of 80 percent, of the total inventory in need of replacement. The FY 2019 Budget includes \$7.8 million to replace up to eight older and obsolete EO/IR systems. Without this upgrade, CBP aircraft will have to share assets, thereby increasing the risk of damage to the sensors during system swap-outs. Included in the \$7.8 million is the associated mission equipment to ensure the continued viability of AMO assets to detect, identify, classify, track, and illuminate targets of interest to national security.

The Budget also includes \$15.0 million in FY 2019 for the conversion of one Army HH-60L to a CBP UH-60 Black Hawk helicopter and to purchase associated initial spare repair parts, training, and Army testing. Black Hawk helicopters are rugged enough to support interdiction and life-saving operations in very hostile environments, at high altitudes in the desert, over open water, and in extreme cold. It has been responsible for the rescue of hundreds left in peril after the recent hurricanes in Texas, Florida, and Puerto Rico. They also provide critical support during national security events.

AMO increases CBP's situational awareness, enhances our detection and interdiction capabilities, and extends our border security zones, offering greater capacity to stop threats prior to reaching the Nation's borders. AMO assets provide multi-domain awareness for our partners across DHS, as well as critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel. During FY 2017, AMO contributed to 2,573 arrests and the apprehension of 37,009 individuals, as well as the interdiction of 226,455 pounds of cocaine and 28,764 pounds of marijuana in the transit zone. For FY 2018, as of March 14, 2018, AMO contributed to 903 arrests, 19,547 apprehensions, and interdiction of 82,672 pounds of cocaine and 3,869 pounds of marijuana in the transit zone.

AMO personnel assigned to the Drug Enforcement Administration's Special Operation Division are also coordinating with federal, state and local law enforcement agencies in an effort to identify and dismantle drug trafficking organizations and TCOs involved in the trafficking of illicit fentanyl. AMO agents are also active in the Organized Crime Drug Enforcement Task Force, which targets Chinese-produced controlled precursor chemicals, which are flown directly to Mexico from China or shipped into the United States. AMO is developing targeted maritime and aviation interdiction plans to specifically interdict primary subjects of ongoing criminal investigations, with significant relevance to TCO logistics mechanisms in the Caribbean, South America, the Eastern United States, and Puerto Rico.

*Hiring, Recruitment, and Retention*

CBP's USBP and AMO agents patrol our Nation's borders, maritime approaches, and associated airspace to prevent illegal entry of people and goods into the United States. The FY 2019 Budget funds an increase of \$164.3 million to hire, train and equip an additional 750 agents from FY 2018 requested levels. The increase will also fund 153 mission support positions across CBP to support the increased workload associated with the additional agents. CBP has struggled in the past to meet our hiring goals but we have taken decisive action, while recognizing that much work remains to be done, to create the hiring mechanisms that will provide a steady state of hiring that meets our needs well into the future. We are making those investments in our capability and capacity to hire across all frontline positions through the organizational initiatives in the FY 2019 request.

CBP is also actively working to minimize attrition and fill positions in "hard-to-fill" locations that are often remote and offer very limited amenities compared with metropolitan locations. The FY 2019 Budget includes an additional \$45.1 million to support USBP's operational mobility program. Implementing a stable relocation program will help meet USBP operational requirements and alleviate the workforce's concerns about lack of mobility, which is significantly contributing to increased attrition.

*Facilities and Mobile Tactical Equipment*

CBP's border security mission regularly requires CBP 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 personnel. The FY 2019 Budget seeks \$24.8 million to purchase the equipment for USBP, Office of Field Operations (OFO) and AMO Tactical Air Land and Marine Enterprise Communications including supporting radio refresh and coverage, and interoperability efforts for USBP, AMO, and OFO. The request also includes the acquisition of additional mobile radios, portable radios, desksets, consolettes, repeaters, and other hardware. Modern and secure radio and satellite communication technology will 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 with Mexican authorities.

As of February 2018, forty-three percent of CBP's motor vehicle fleet has met or exceeded replacement eligibility. The FY 2019 Budget includes \$81.9 million to provide for the acquisition of vehicles in support of USBP operations. CBP's vehicle lifecycle management process is especially important as vehicles become older and less reliable, while mission demands continue. Reductions in vehicle performance or reliability may place an undue burden on law enforcement personnel executing mission requirements. 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.

Constructing and improving CBP's physical infrastructure is essential to keeping facilities operationally viable for frontline and mission support functions. CBP supports a vast and diverse real property portfolio, including more than 4,300 owned and leased buildings, over 28 million

square feet of facility space and approximately 4,600 acres of land throughout the United States. The FY 2019 Budget includes \$33.4 million to construct a new 27,000 square foot Border Patrol Station in Freer, Texas, where the current infrastructure is 80 percent over capacity and does not meet security or operational standards. Upon completion, the new facility will enable the USBP to improve its operational effectiveness by increasing capacity, remediating existing safety issues, decreasing travel times to access services at disparate locations, and providing adequate storage and muster capacity to deploy patrols.

### **Travel and Trade Facilitation and Enforcement and Counterterrorism**

At our nation's 328 land, air, and sea POEs, as well as our preclearance and pre-inspection locations around the world, CBP prevents dangerous people and contraband from entering the United States, while facilitating the lawful flow of international trade and travel using a combination of personnel, technology, intelligence, risk information, targeting, and international cooperation. Constructing and improving CBP's physical infrastructure is essential to keeping facilities operationally viable for frontline and mission support functions. The FY 2019 Budget includes \$14.8 million to continue capital construction and modernization of Land POEs (LPOE) along the northern and southern borders and to complete additional enhancement and expansion projects within the OFO portfolio.<sup>2</sup>

The FY 2019 Budget includes \$44.2 million to build upon prior year investments and to recapitalize the current small scale and large-scale Non-Intrusive Inspection (NII) technology fleet. NII technology enables CBP to detect materials that pose significant nuclear and radiological threats. Utilizing Radiation Portal Monitors (RPM), Radiation Isotope Identification Devices, and Personal Radiation Detectors, deployed nationwide at our POEs, CBP is able to scan 100 percent of all truck cargo and personally owned vehicles arriving from Canada and Mexico and nearly 100 percent of all arriving maritime containerized cargo for the presence of radiological or nuclear materials. Since the RPM program began in 2002, CBP has scanned more than 1.41 billion conveyances for radiological contraband.<sup>3</sup>

CBP is also able to utilize radiation detection equipment to scan more than 99 percent of shipments at express consignment carrier (ECC) facilities and shipments presented to CBP at international mail facilities. CBP officers also utilize NII, as well as other tools, to detect illicit drugs, such as fentanyl, at international mail and ECC facilities. All parcels presented to CBP for examination in the express consignment environment are subjected to NII, to include x-ray imaging. Additionally, CBP can then request specific international mail packages be presented for inspection. As USPS is able to present these, CBP X-Rays the packages and physically examines those deemed high-risk.

While most illicit drug smuggling attempts occur at Southwest LPOEs, the smuggling of illicit synthetic drugs in the international mail and ECC environment poses a significant threat. In FY 2017, CBP made 118 seizures of illicit fentanyl totaling approximately 240 lbs. in the ECC environment and 227 seizures totaling approximately 92 lbs. of fentanyl in the international mail

<sup>2</sup> Alexandria Bay, NY; Lewiston Bridge, NY; San Luis I, AZ; Otay Mesa, CA; Blaine, WA have been identified as priority requirements to be funded from the proposed \$14.8 million.

<sup>3</sup> Effective 01/31/2018

environment. All told, in FY 2017 CBP officers and agents seized or disrupted over 1.9 million lbs. of narcotics across the country, including over 60,000 lbs. of methamphetamine, over 330,000 lbs. of cocaine, and over 4,800 lbs. of heroin, as well as approximately 1,476 lbs. of illicit fentanyl.<sup>4</sup> More than 790 lbs. of illicit fentanyl have already been seized in FY 2018.<sup>5</sup>

Between October 1, 2010 and January 31, 2018, CBP has conducted more than 83 million examinations, resulting in more than 18,500 narcotics seizures and more than \$79 million in currency seizures. The Budget proposes \$44.2 million to build upon prior year investments and to recapitalize the current small scale and large-scale NII technology fleet. This funding will allow CBP to remain on track to ensure the NII fleet is operating within its service life by FY 2024, and will help CBP continue to use NII to safely, quickly, and effectively detect a wide range of contraband imported using a variety of conveyances, thereby facilitating lawful trade and travel.

CBP officers and agriculture 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. 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. In FY 2017, CBP's National Targeting Center (NTC) vetted more than 370 million travelers through CBP's Pre-Departure vetting initiatives resulting in more than 15,900 individuals prevented from boarding flights prior to travel to the United States. The NTC also vetted more than 474 million shipments arriving at U.S. POEs through CBP's national security vetting initiatives, which resulted in more than 8,600 incoming shipments examined prior to entering the U.S.

The FY 2019 Budget proposes an increase of \$26.9 million for improved intelligence and targeting capabilities at the NTC. This increase will expand staffing through the hiring of 60 CBP officers and 46 mission support personnel, as well as enhance NTC analytical modeling capabilities and provide for additional equipment. 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 and bioterrorism threats from reaching U.S. POEs, extending our border security initiatives outward and making our borders not the first line of defense, but one of many. CBP also extends our 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 the country.

In order to unify and streamline the classified vetting of international travelers and visa and immigration benefit applicants, the President signed National Security Presidential Memorandum 9 (NSPM-9)<sup>6</sup> establishing the National Vetting Center (NVC). Consistent with applicable law and policy, the NVC will ensure that traveler and immigration populations are consistently vetted against all appropriate U.S. Government information to identify national security and public safety

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<sup>4</sup> <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy-2017>.

<sup>5</sup> Effective 03/01/2018

<sup>6</sup> Optimizing the Use of Federal Government Information in Support of the National Vetting Enterprise



threats. The NVC will provide frontline officers and agents with the information they need to keep terrorists, criminals, and other bad actors out of the country and from receiving benefits.

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 FY 2017, we supported domestic producers of products ranging from steel plates to solar panels to crawfish by collecting \$1.5 billion in cash deposits to secure anti-dumping duties on \$13.3 billion of imported goods. The FY 2019 Budget includes an additional \$2.1 million to support 26 positions to support CBP's implementation of the *Trade Facilitation and Trade Enforcement Act of 2015* (TFTEA), one of the most impactful pieces of trade legislation for CBP in more than a generation. TFTEA specifies new trade facilitation and enforcement operational requirements, organizational changes, and new authorities and services. TFTEA includes substantial changes to trade enforcement, particularly in the area of Anti-Dumping and Countervailing Duties; establishes processes for investigating claims of evasion of anti-dumping orders; enables the use of donations of technology from the private sector for enforcing intellectual property rights; and simplifies drawback processing to spur domestic manufacturing and exports.

With the strong support of this Subcommittee, CBP reached an historic milestone on February 24, 2018, deploying the last of the major scheduled core trade processing capabilities in the Automated Commercial Environment (ACE). ACE is the "Single Window" through which all import and export data are reported by industry to more than 47 partner government agencies, automating 269 different forms and streamlining trade processes. Built on a modernized platform, ACE has resulted in a 44 percent reduction in wait times for truck processing at LPOEs and the 68 times faster processing of bonds.

Looking ahead, CBP will focus on sustaining all deployed ACE capabilities and ensuring ACE operates as a highly available, reliable system. There is an ongoing demand for additional and enhanced ACE capabilities, and CBP will continue to collaborate with the trade community, partner government agencies, and stakeholders to implement automated solutions that advance secure shipments, streamline trade processes and support the strong enforcement of trade laws. This includes increased focus on the rise of e-commerce and high-volume, low value shipments, an aspect of the U.S. economy that presents enforcement and trade facilitation challenges. System enhancements to enable *de minimis* functionality will provide CBP access to previously unavailable admissibility data for low value shipments, while resulting in improved cargo processing and use of enforcement resources. CBP proposes an increase of \$5.5 million in FY 2019 to develop and deploy Post-Core functionality based on user demands and a changing operational environment.

### **Organizational Initiatives**

The FY 2019 President's Budget dedicates \$85 million in critical investments to advance CBP's strategic priorities, which will enable CBP to meet the challenges of tomorrow. For example, the FY 2019 Budget supports a \$6 million increase to CBP weapons maintenance. The nature of the CBP mission is dangerous, and CBP personnel often encounter use-of-force situations. It is vital to the success of the mission that CBP law enforcement personnel are equipped with properly functioning weapons. The inability to provide stringently tested and fully functioning use of force

equipment results in an elevated risk to the personal safety of each officer and agent of CBP, as well as the public.

CBP is currently enhancing our hiring efforts and continuing to expand process improvements and add capacity to frontline hiring by focusing on efforts to attract qualified candidates and expedite their progress through the CBP hiring process. Historically, as with most federal agencies, CBP could rely on a steady-stream of qualified applicants sourced primarily through USAJobs. Like law enforcement across the federal, state and local spectrum, we have seen significant reductions in the number of applicants for employment. We simply need to do a better job of marketing CBP as an employer of choice.

In the last two years, CBP has undertaken a comprehensive effort to look across all of its recruitment and hiring process areas and established process changes that have resulted in significant recruitment and hiring gains. We've embraced the use of social media, and we are working to be more effective in identifying the best return on investment in digital media. We've also introduced a mobile app for applicants in our hiring pipeline to keep them engaged during the process; and, we are going to introduce an "applicant care" component whereby we assign a dedicated employee to an applicant to help them navigate the process. CBP's updated frontline hiring process has led to significant reductions in the average time-to-hire. In the last 12 months, close to 70 percent of new USBP agents and 60 percent of new CBP officers on-boarded in 313 days or fewer, with 13 percent of each occupation on-boarding within 160 days, a significant improvement from the 469-day overall baseline established in January of 2016. This streamlined process is reducing the number of otherwise qualified candidates who drop out due to process fatigue or accepting more timely job offers elsewhere, helping us grow our workforce.

As a result of these improvements, CBP's FY 2017 hiring totals surpassed FY 2016 totals by fourteen percent, including increases of twenty-one percent for CBP officers; four percent for USBP agents, and ninety-one percent for AMO air interdiction agents. In FY 2017 CBP reached the highest number of USBP agent hires since FY 2013 and the highest number of air interdiction agents and marine interdiction agent hires since FY 2014. The total number of frontline applicants increased by seventy-three percent between FY 2015 and FY 2017, including a forty-two percent increase from FY 2016 to FY 2017.

As we continue to build momentum in our hiring efforts, the Budget includes an increase of \$46.2 million for recruitment and applicant processing transformation. This funding will ensure that CBP has the necessary applicant processing bandwidth needed to meet hiring goals and recover FY 2019 attrition losses without having to slow down applicant processing. Additionally, this funding will support enhanced data analytics to understand return on investment, identify trends within applicant pools, and present data-driven information for key decision-making. These capabilities will enable CBP to reduce costs, improve efficiency, decrease time-to-hire, and ultimately deploy more agents and officers to the frontline.

CBP is thankful for the continued dedication of Members of Congress to working collaboratively with CBP to come up with a variety of targeted solutions to address our complex hiring challenges. Consistent with the Explanatory Statement accompanying the FY 2017 Consolidated Appropriations Act concerning the alternative polygraph exam format, CBP conducted a six-month pilot program that allowed the agency to measure data points from applicants tested with

the alternative format against applicants tested with the previous format. CBP developed this pilot in collaboration with the National Center for Credibility Assessment, which governs all federal polygraph programs. Before making any determination to either continue with the piloted test or return to the previous test, CBP is carefully evaluating these metrics and measures to maintain CBP's high standard of integrity for future applicants and ensure ongoing communication with Congress on this area of interest. While the exam is a change in format, it retains all of the critical test topics of the previous exam and maintains CBP's commitment to high integrity standards for its personnel.

Additionally, CBP and DHS support the "Anti-Border Corruption Reauthorization Act of 2017," which was introduced as H.R. 2213 in the House and S. 595 in the Senate. The House passed H.R. 2213 on June 7, 2017, and the bill is currently pending vote by the Senate. This pending legislation grants the CBP Commissioner authority to waive the polygraph for three groups of applicants who have a demonstrated history of longstanding public trust and meet specific criteria: current, full-time state and local law enforcement officers; current, full-time federal law enforcement officers; and veterans, active duty service members, and reservists. We thank the Members of Congress for your continued support as we seek to hire the men and women who will fulfill CBP's complex and crucial mission in the months and years to come.

The FY 2019 Budget also includes an increase of \$10.2 million to replace IT equipment nearing or past the end of its useful life. Currently more than 40,000 of the approximate 62,000 end-user workstations are not capable of being upgraded to Windows 10, which is the minimum required to run the cyber monitoring tools that need to be deployed to support the agency-wide adoption of the Continuous Diagnostics and Mitigation program. The FY 2019 Budget supports the upgrade and replacement for a portion of CBP's aged infrastructure that has reached the end of its lifecycle. Technology refresh is critical to protect CBP from security vulnerabilities through ongoing updated patching, and will ensure the network is resilient enough to avoid frequent failure rates typically experienced by aged infrastructure.

### **Legislative Proposals**

Finally, as in the past, the FY 2019 Budget highlights some of the legislative priorities CBP hopes to achieve with the help of Congress. The legislative proposals submitted by the Department seek to reduce CBP's reliance on appropriated funding while facilitating the growth of international trade and travel. The Department has submitted a legislative proposal to redirect approximately \$160 million in Electronic System for Travel Authorization (ESTA) surcharge collections from Brand USA to CBP. Of the \$160 million, \$155 million would be available to CBP to offset the operational costs of CBP officers performing passenger targeting, screening, and processing. The remaining \$5 million would be transferred to the International Trade Administration to administer the Survey of International Air Travelers (SIAT). The Brand USA funding would not constitute an overall increase to CBP's budget, but rather offsets a commensurate decrease in CBP's Operations and Support discretionary appropriation.

The Department has also submitted a legislative proposal to create an \$8 Electronic Visa Update System (EVUS) user fee based on a fee analysis that would function similarly to the ESTA operational processing fee. EVUS is currently funded by taxpayers; once the authorizing proposal is enacted, CBP will no longer require appropriated funding to support the EVUS program.

The Department has also provided a legislative proposal to decrease the shortfall between the costs of CBP's inspectional activities and the collections received. Per the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), passenger inspection fee collections fund customs inspection activities that are mandated by law. The fee levels set in current law do not fully cover CBP's costs. The proposal will increase the customs inspection fees on passengers arriving on international commercial aircraft flights to \$7.75 from \$5.65 (which was raised by regulatory action from the statutory level of \$5.00), and increase other COBRA fees by a proportional amount. The extra revenue raised from these fee increases will allow CBP to recover more costs associated with customs-related inspections. CBP's funding strategies also include seeking Congressional support for a legislative proposal to increase current Immigration Inspection User Fees to recover more of the costs associated with providing immigration inspection services. CBP looks forward to working with your colleagues in the appropriate committees of jurisdiction to accomplish these legislative priorities.

### **Conclusion**

In closing, the challenges facing CBP and our Nation are considerable, but we have outstanding men and women working at CBP who are committed to protecting our Homeland and the American people. The FY 2019 President's Budget recognizes the serious and evolving threats and dangers our Nation faces each day. With the support of Congress, CBP continues to secure our Nation's borders, and promote international trade and travel, through a multi-layered approach using a variety of tools.

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.

## OPENING STATEMENT OF MR. ALBENCE

## ICE: ENFORCEMENT AND REMOVAL OPERATIONS

Mr. ALBENCE. Good morning. Chairman Carter, Ranking Member Roybal-Allard, Ranking Member Lowey, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today to present the overall President's fiscal year 2019 budget for U.S. Immigration and Customs Enforcement, and specifically to discuss Enforcement and Removal Operations and my role as the executive associate director of ERO.

ICE's mission is to protect America from the cross-border crime and illegal immigration that threaten national security and public safety. To protect the security of the American people and the homeland, ICE vigilantly enforces the Nation's immigration and customs laws by focusing on immigration enforcement, preventing terrorism, and combating transnational organized crime.

In the face of heightened scrutiny, I am extremely proud that our men and women continue to operate with professionalism and honor and do so at the risk of their own safety and security.

The President's fiscal year 2019 budget request for ICE includes \$8.3 billion to meet our diverse mission requirements and to make much-needed investments in immigration enforcement, criminal investigations, workforce expansion, and training.

These requested enhancements continue our fiscal year 2018 efforts to control illegal immigration, enhance interior enforcement, particularly against criminal aliens and habitual immigration offenders, combat the growing national opioid and other dangerous drug epidemic, and increase our ability to detect, disrupt, and deter human smuggling and child exploitation operations so often associated with transnational criminal organizations.

ICE appreciates the continued support of Congress in building a stronger ICE, one that can meet the myriad critical operational responsibilities necessary for the safety and security of our country.

## ICE: WORKFORCE

To accomplish this, it is imperative that ICE is properly resourced to support these diverse mission requirements, making the need for additional funding and personnel more crucial than ever.

That is why our fiscal year 2019 budget makes a significant downpayment on ICE's workforce, requesting \$571 million for an additional 2,000 law enforcement officers and vital support personnel impacting all aspects of our mission space.

## ICE: ENFORCEMENT OPERATIONS

In particular, ERO operates in an incredibly challenging environment. What ERO, and ICE in general, does not do is conduct indiscriminate raids or sweeps. We conduct targeted enforcement operations across the country every day that are based on intelligence-driven leads and detailed investigations, prioritizing our resources on identifying and removing public safety and national security threats.

We also prioritize fugitives and aliens who have illegally entered the United States after having previously been removed, a Federal felony, and one that ERO prosecuted over 4,200 times last year.

But to be clear, entering the United States illegally is a crime in and of itself, and ICE's congressionally mandated mission is to enforce immigration law as enacted by Congress.

To that end, last fiscal year ERO made substantial progress in focusing its limited enforcement resources on arresting and removing public safety threats from our communities and restoring fidelity to the immigration system, especially for those aliens with orders of removal issued by an immigration judge.

In fiscal year 2017, 89 percent of the aliens arrested by ERO in the interior of the United States had a prior interaction with the criminal justice system, with 74 percent of them being convicted criminals. In real terms, this means that nearly 11,000 more criminal aliens were removed from the street last fiscal year than in fiscal year 2016. These positive trends have continued into fiscal year 2018 with criminal alien arrests up over 8 percent and overall arrests up nearly 30 percent.

Also, despite the challenges faced in some jurisdictions, ERO has continued to strengthen its relationship with the State and local law enforcement community. For example, the 287(g) program has increased from 32 to 76 partnerships, with continued interest from other jurisdictions.

Further, working cooperatively with our tremendous partners at the National Sheriffs' Association and Major County Sheriffs of America, we have established a new process that affords our local partners an additional legal basis to defend themselves when they faithfully execute their public safety duties by detaining aliens at ICE's request.

#### ICE: WORKFORCE

To continue to build on this significant progress, ERO needs the resources requested in the fiscal year 2019 budget. Recent statistics and our own staffing model indicate that a substantial increase in deportation officers is required to respond to manage the more than 2.5 million aliens on the detained and nondetained dockets, manage an increased detainee population, and address the over 540,000 immigration fugitives, aliens who have had their day in court and have failed to comply with a judge's removal order.

Further, due to the challenges facing some of our law enforcement partners inhibiting their ability to honor ICE detainers or even share information, it is necessary to place more ICE officers within State and local jails, as well as augment our fugitive operations teams, in order to ensure that dangerous criminals are not reintroduced into American communities where they can further victimize our law-abiding citizens.

Additionally, more attorneys are needed to support an ever-increasing caseload and to meet the Department of Justice's planned national expansion within EOIR.

#### ICE: DETENTION BEDS

The increased immigration enforcement workforce requests also necessitates a commensurate increase in detention beds to process

the identified illegal immigration population and detain CBP apprehensions of illegal border crossers. While the fiscal year 2018 Consolidated Appropriations Act provided ICE with funding for 40,520 detention beds, the requirement remains almost 11,000 beds higher in fiscal year 2019.

Through the use of the ICE statistical bed model and associated operational factors, ICE estimates the need for detention beds at 52,000 for fiscal year 2019. This is a sophisticated model that has previously been shared with your staffs and has proven to be highly accurate at forecasting detention needs.

#### ICE: TRANSPORTATION AND REMOVAL

The fiscal year 2019 budget also includes an increase in funding for expanded transportation costs related to both domestic and international movement of aliens. ERO has worked diligently to obtain greater cooperation from foreign governments to accept their citizens, with the number of recalcitrant countries dropping from 20 to 9, and those at risk of noncompliance dropping from 55 to 36.

However, the cost of removing these aliens is extensive, and ERO requires additional funds to ensure that these and other illegal aliens, many violent criminals, are removed from our country.

Overall, the resultant fiscal year 2019 ERO budget request is \$5.1 billion to identify, arrest, detain, and remove illegal aliens.

Since its inception 15 years ago, ICE continues to be a pre-eminent Federal law enforcement agency with a unique and critical role in the national security and public safety of the United States, as well as an invaluable partner among the international law enforcement community. With a diverse and dedicated workforce and a wealth of experience throughout our ranks and on the front lines, we are 20,000 American patriots in proud service to our country.

Many of our personnel put their lives on the line every day to protect our Nation, despite the innumerable challenges they face, and I could not be more honored to represent them here today.

With your support, I believe ICE is well-positioned to have an even greater impact on the safety and security of this country, and we will continue to execute our sworn duties with integrity, courage, and excellence.

Thank you again for the opportunity to testify today and for your continued support of ICE. I look forward to answering any questions you may have at this time.

[The information follows:]



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

**MATTHEW ALBENCE**

**Executive Associate Director, Enforcement and Removal Operations**

And

**DEREK BENNER**

**Deputy Executive Associate Director, Homeland Security Investigations**

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
U.S. DEPARTMENT OF HOMELAND SECURITY**

Regarding

**The Fiscal Year 2019 President's Budget Request**

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY**

**April 12, 2018**

**Rayburn House Office Building, Room 2359**



## INTRODUCTION

Chairman Carter, Ranking Member Roybal-Allard, and distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the Fiscal Year (FY) 2019 President's Budget for U.S. Immigration and Customs Enforcement (ICE). We 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 to carry out our vital homeland security mission. Every day, the professional men and women at ICE work to promote homeland security and public safety through broad enforcement of over 400 federal laws governing border control, customs, trade, and immigration.

The FY 2019 President's Budget for ICE includes \$8.3 billion in discretionary funding, reflecting a \$967 million increase from the FY 2018 enacted budget. Additionally, the Budget estimates \$525.6 million in budget authority derived from mandatory fees, bringing total estimated spending authority to \$8.8 billion. This increase in funding is critical for ICE to meet its mission needs. Simply put, the men and women of ICE need the requested resources and tools to do their work. The FY 2019 Budget will support current efforts and enable ICE to invest in much needed areas: immigration enforcement, criminal investigations, dismantling trans-national criminal organizations, workforce expansion and training, and the information technology needed to meet the security challenges of the 21<sup>st</sup> century.

## ENFORCING IMMIGRATION LAWS

Our immigration enforcement efforts are led by the more than 6,000 law enforcement officers of Enforcement and Removal Operations (ERO). These dedicated officers enforce our nation's immigration laws in a fair and effective manner by identifying, arresting, detaining, and removing removable aliens. To ensure the national security and public safety of the United States, and the faithful execution of the immigration laws, our officers may take enforcement action against any alien encountered in the course of their duties who is removable from the United States under the Immigration and Nationality Act. They work very hard, and we are proud of what they are accomplishing.

During his first two weeks in office, President Trump signed a series of Executive Orders (EOs) that laid the policy groundwork for the Department and ICE to carry out the critical work of securing our borders, enforcing our immigration laws, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in the United States. The FY 2019 Budget, if funded by Congress, would provide additional resources, tools, and personnel needed to implement these policies.

These EOs establish the Administration's policy of effective border security and immigration enforcement through the faithful execution of the laws passed by Congress. The orders implement new policies designed to stem illegal immigration and facilitate the identification, arrest, detention, and removal of removable aliens. Under these directives, ICE will no longer exempt entire classes or categories of removable aliens from potential enforcement.

The EO *Enhancing Public Safety in the Interior of the United States (13768)* and implementation memorandum established effective border security, public safety, and immigration enforcement to include removable aliens who (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. Those in violation of immigration law are subject to arrest, detention, and, if issued a final order by an immigration judge, removal from the United States.

The effectiveness of the EOs has already resulted in greater public safety; for example, ERO arrested 143,470 criminal aliens in FY 2017, the most since 2014<sup>1</sup> and a 30 percent increase over FY 2016. Additionally, total ERO administrative arrests in FY 2017 since the beginning of the Administration were up 42 percent from the same period last year (up from 77,806 to 110,568). In fact, ERO arrested more aliens in FY 2017 over this period than in all of FY 2016. Of the 110,568 ERO administrative arrests in FY 2017, 92 percent had a criminal conviction, a pending criminal charge, were an ICE fugitive,<sup>2</sup> or were processed with a reinstated final order.<sup>3</sup> In FY 2018, from October 1, 2017 through February 3, 2018, arrests increased from the comparable period in FY 2017 by 39 percent, from 38,508 to 53,653.<sup>4</sup> Of those 53,653 arrested aliens, 89 percent had a criminal conviction, a pending criminal charge, were an ICE fugitive, or were processed with a reinstated final order.

This faithful enforcement of our Nation's immigration laws in the interior of the United States is critically important to the national security and public safety. To continue these efforts, the funding increases included in the FY 2019 President's Budget are needed. Aliens who illegally enter the United States, or who overstay or otherwise violate the terms of their visas, have violated our nation's laws and can pose a threat to national security and public safety. This is particularly true for aliens who engage in criminal conduct in the United States.

From October 1, 2017 through February 3, 2018, ERO removed 76,180 aliens from the United States and repatriated them to 172 countries around the world. These are aliens who posed a danger to our national security, public safety, or the integrity of the immigration system. Of these removals, 55 percent (41,899) had criminal convictions. ERO has also issued 56,142 detainers and 42,908 charging documents, and maintained an average daily population of 40,702 aliens in civil immigration detention during the same timeframe.

Furthermore, abolishment of the Priority Enforcement Program and re-establishment of the Secure Communities program, combined with the expansion of the 287(g)<sup>5</sup> program, is expected to result

<sup>1</sup> ERO administrative arrests include all ERO programs. All statistics are attributed to the current program of the processing officer of an enforcement action.

<sup>2</sup> ICE ERO defines "fugitive" as any alien who has failed to depart the United States following the issuance of a final order of removal, deportation or exclusion, or who has failed to report to ICE after receiving notice to do so.

<sup>3</sup> An alien who departs the United States under a final removal order is subject to having that prior order reinstated without further hearing if he or she illegally reenters the United States. 8 U.S.C. § 1231(a)(5). It is also a federal felony to unlawfully reenter the United States. 8 U.S.C. § 1326.

<sup>4</sup> October 1 through February 3, 2018.

<sup>5</sup> 287(g) refers to Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g).

in significant increases to interior arrests and removals. In order to safely and securely carry out this mission across the nation, ERO will require additional deportation officers to handle this increased workload. The FY 2019 Budget supports hiring an additional 1,700 deportation officers to enforce our immigrations laws.

With the increased enforcement activity, additional detention capacity will be necessary to implement EO 13768, *Enhancing Public Safety in the Interior of the United States*. Specifically, the budget includes nearly \$2.8 billion to expand detention capacity to support an average daily adult population of 49,500 and an average daily family population of 2,500, for a total of 52,000 beds. The budget also includes transportation costs commensurate to the requested detention population, and funding for the Alternatives-to-Detention (ATD) program to increase the average daily participants to 82,000.

Additional resources are also requested in FY 2019 to ensure that ICE's Office of the Principal Legal Advisor (OPLA) is able to carry out its statutory responsibility to prosecute administrative immigration cases before the U.S. Department of Justice's (DOJ) immigration courts.<sup>6</sup> At the end of FY 2016, there were more than 520,000 pending immigration cases nationally. By the end of FY 2017, this workload grew to over 637,000 cases, a 23% increase from the previous fiscal year. As of March 1, 2018, the docket had grown to over 684,000 pending cases and is on pace to exceed 730,000 cases by the start of FY 2019. Further, DOJ intends to open 75 new immigration courtrooms in FY 2018 and another 75 courtrooms in FY 2019, some in locations with no current ICE presence. To handle this growing immigration court system, OPLA will need to hire 260 additional attorneys and 98 additional support staff, and ICE will need to fund \$17.7M in construction and facility costs to accommodate this increased staff. An inadequate augmentation of OPLA resources will result in ICE's enforcement efforts failing to meet the Administration's objectives and enacted immigration laws.<sup>7</sup>

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<sup>6</sup> 6 U.S.C. § 252(c).

<sup>7</sup> In addition to representing DHS in proceedings before EOIR, OPLA is responsible for advising ICE leadership and operational personnel on legal matters and addressing an array of other litigation and legal matters facing the agency, which have seen significant increases in tempo and complexity.

### COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

ICE's Homeland Security Investigations (HSI) investigators protect the United States against terrorists and other criminal organizations through criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. As the largest investigative arm of DHS, HSI utilizes its broad legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, weapons and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, immigration document and benefit fraud, and worksite enforcement. The FY 2019 Budget maintains HSI's critical operations abroad, supports hiring of an additional 300 domestic special agents and increases our efforts to target and combat dangerous transnational gangs and other criminal organizations.

In FY 2017, HSI investigations led to the disruption or dismantlement of hundreds of transnational criminal organizations (TCOs). HSI made more than 32,958 criminal arrests, including arrests of more than 4,818 gang members. In the first quarter of FY 2018, HSI made 1,420 arrests of gang members, including 405 MS-13 members. HSI also seized 1.5 million pounds of narcotics, made 2,203 seizures for violations of U.S. export laws and regulations, and seized nearly \$541 million in currency and monetary instruments. Additionally, HSI identified and assisted more than 2,000 crime victims, including 518 human trafficking victims and more than 904 child exploitation victims.

Since October 1, 2017 through January 26, 2018, HSI made more than 8,630 criminal arrests, including arrests of more than 1,278 transnational gang members. HSI also seized more than 251,000 pounds of narcotics, made 981 seizures for violations of U.S. export laws and regulations, and seized nearly \$563 million in currency and monetary instruments.

During the last two decades, transnational organized crime has expanded dramatically in size, scope, and impact, which poses a significant threat to national and international security. HSI targets TCOs at every critical location in the cycle: internationally, in cooperation with foreign counterparts, where transnational criminal and terrorist organizations operate; at our nation's physical border and ports of entry, in coordination with U.S. Customs and Border Protection (CBP), where the transnational crime cells attempt to exploit America's legitimate trade, travel, and transportation systems; and throughout U.S. interior, where criminal organizations earn substantial profits off the smuggling of aliens and illicit goods. One of many critical tools needed to effectively combat TCOs is electronic surveillance. The FY 2019 Budget requests an additional \$6.5 million for HSI wiretapping operations to counter the expanded threats of TCOs.

As directed by the President's Executive Order 13773, *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, HSI will continue to prioritize dismantling transnational criminal organizations and subsidiary organizations. HSI will continue to focus on cooperative work and data sharing with other federal agencies, as well as work with foreign counterparts by sharing intelligence and law enforcement information when appropriate and permitted by law.

To investigate TCOs impacting Southwest Border security, HSI has assigned more than 1,500 special agents and almost 150 intelligence research specialists to the Southwest Border, including land and maritime points of entry, international airports, and Border Enforcement Security Task

Forces (BESTs)—provide a comprehensive regional response to the growing threat to border security, public safety, and national security. In FY 2016, drug smuggling investigations, conducted by the five HSI Special Agents in Charge offices along the Southwest Border, resulted in 10,438 criminal arrests, 7,151 indictments, 6,098 convictions, and 2,570 administrative immigration arrests.

In addition to leveraging domestic assets, HSI works closely with attaché personnel deployed to 67 offices in 50 countries worldwide. These personnel are uniquely positioned to utilize established relationships with host country law enforcement, including Transnational Criminal Investigative Units (TCIUs). These TCIUs are composed of DHS-vetted and -trained host country counterparts who have the authority to investigate and enforce violations of law in their respective countries. The use of TCIUs enables HSI to promote direct action on its investigative leads while respecting the sovereignty of the host country and cultivating international partnerships. These efforts, often thousands of miles from the U.S.-Mexico border in countries like Colombia and Panama, act as an outer layer of security for our Southwest Border.

Additionally, ICE ERO coordinates the Criminal History Information Sharing (CHIS) program, which is a DHS-led information sharing initiative between the United States and its international partners, which is a vital international public safety tool that provides participating nations with criminal history information in advance of an alien's removal. CHIS also facilitates the exchange of foreign conviction data to ICE that would have previously gone unknown. These records assist ICE in the identification and classification of additional aliens within the agency's criminal removal priorities. In FY 2017, ICE provided its CHIS partners with 84,067 outbound transmissions and advance notices, 10,003 which contained criminal notices. ICE received 21,434 inbound responses, of which 93 responses contained international wants/warrants and 28 responses contained notice of both criminal and gang affiliation.

Terrorism remains one of the most significant threats our law enforcement faces in protecting the homeland. Following the November 13, 2015 terrorist attacks in Paris, HSI International Operations special agents joined other DHS Components to support official requests for assistance from French and Belgian investigators. Specifically, HSI obtained information on financial transactions and social media account data for individuals linked to the investigation, including those responsible for perpetrating the attacks. This effort contributed to the identification of hundreds of European Union-based individuals with financial links to the Paris attacks.

Our counterterrorism and anti-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 legitimate trade and travel, and ensure the integrity of the immigration system, all while protecting the privacy of visitors.

HSI is also the second largest contributor of federal agents to the Federal Bureau of Investigations-led Joint Terrorism Task Forces (JTTF), which benefit from HSI agents' investigative expertise and broad enforcement authorities. ICE will continue its participation in 184 JTTFs, supporting and complementing their counterterrorism investigations with HSI's unique immigration and trade-based authorities. Of the 150 domestic JTTF disruptions in FY 2017, 106 (71%) had significant ICE involvement and 45 (39%) were achieved using ICE's unique authorities.

Approximately one-quarter of the disruptions were ISIS-affiliated, and the group's ability to reach and radicalize within the homeland remains a threat. Additionally, 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) helps 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 through in-person interviews, and works 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 FY 2017, HSI expanded VSP operations to two additional strategically-important visa-issuing posts and reviewed more than two million visa applications, including approximately 8,887 cases in which visas were refused for a variety of reasons, including for suspected connection to terrorism or terrorist organizations.

#### **POSITIONING OUR WORKFORCE TO MEET THE MISSION**

The FY 2019 Budget includes \$571 million to hire twenty percent of the 10,000 LEOs directed by the EO as well as associated and support staff to meet the mission called for by EO 13768, *Enhancing Public Safety in the Interior of the United States*. This funding would allow ICE to hire 1,700 ERO Deportation Officers, 300 HSI Criminal Investigators, 338 attorneys, and 974 support staff including intelligence analysts, case management specialists, and other operational support personnel.

#### **INVESTING IN INFORMATION TECHNOLOGY AND INFRASTRUCTURE**

The tools required to carry out the agency's operations are just as important as the resources needed to fulfill ICE's enforcement and investigative missions. The FY 2019 Budget includes \$35.5 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 the Department of Homeland Security (DHS) and partner organizations. The requested funds will also enable ICE to refresh our information technology infrastructure; and complete the ongoing enhancement effort of the new Investigative Case Management (ICM) system.

Additionally, HSI is in the process of transforming the Agency's investment approach and processes for acquiring and delivering capabilities to HSI's 9,500-person workforce. In support of its investigations, HSI invests significant time and resources to analyze large volumes of data utilizing multiple data sets and the manual comparison of such data to understand patterns, associations, links, and leads. It is HSI's goal to bring investigative, intelligence and scientific capabilities together to function efficiently and to aid investigators in their efforts to combat and dismantle transnational criminal organizations through the Repository for Analytics in a Virtualized Environment (RAVEN).

Tactical Communication (TACCOM) is an integral part of all successful ICE law enforcement operations, including criminal apprehension, emergency response, surveillance, and multi-agency task force operations. In addition to daily operational needs, TACCOM provides critical support necessary for National Special Security Events (NSSEs) and responses to natural and man-made

disasters. ICE needs to procure and deploy multi-band mobile and portable radios and the required radio infrastructure nationwide to support interoperability communications, improve officer safety, increase mission effectiveness, and reduce capability gaps. Having robust and secure tactical communications systems and equipment available significantly improves officer safety by providing a mission-critical lifeline for agents and officers needing to communicate with each other, call for backup, report suspicious activity, and call for emergency assistance.

ICE relies on the availability of these mission-essential systems to perform critical functions across the enterprises. These systems, in turn, rely on modern and up-to-date infrastructure to ensure operational readiness and optimal performance.

#### CONCLUSION

ICE is a responsive, capable, agile, and indispensable instrument of national security and public safety. Funding people, technology, and equipment are especially prudent investments given today's challenging fiscal environment. We believe no other investment will return more operational value on every dollar than the extraordinary men and women of ICE—which is over 19,700 strong. An illustrative example of ICE's mission success is last year's execution, response, and recovery efforts associated with a historic hurricane season. Removing illicit narcotics, dismantling gangs, and detaining and removing illegal aliens along with ICE's ability to counter emerging threats also constitutes an operational success that continues to yield important results for the Nation.

Thank you again for inviting us to testify today. We look forward to your questions.

# BIOGRAPHY



**U.S. Immigration  
and Customs  
Enforcement**

## **Matthew T. Albence**

Executive Associate Director, Enforcement and Removal Operations

Matthew T. Albence is the Executive Associate Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Washington, D.C. As EAD, Mr. Albence leads ERO in its mission to identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. He was appointed EAD in February 2017.



Mr. Albence leads an organization of more than 7,600 employees, which includes more than 5,700 Deportation Officers assigned to 24 ERO field offices, and overseas locations in 19 countries.

Prior to his current role, since January 2013, Mr. Albence served as the Assistant Director for the ERO Enforcement Division. He was responsible for all ERO enforcement programs and initiatives, to include the Criminal Alien Program, the National Fugitive Operations Program, Field Training, the 287(g) Program, the Law Enforcement Support Center, the Pacific Enforcement Response Center, the Fugitive Operations Support Center, and the National Criminal Analysis and Targeting Center.

Mr. Albence has over 23 years of federal law enforcement experience. In 1994, he began his career in San Antonio as a Special Agent with the former U.S. Immigration & Naturalization Service (INS). In 1999, he was promoted to Supervisory Special Agent, San Antonio. Mr. Albence's supervisory experience includes positions as Supervisory Special Agent, San Antonio; Deputy Assistant Director for Investigations, Chicago; Associate Special Agent in Charge, Chicago; Deputy Special Agent in Charge, Detroit; Unit Chief for the ICE Office of Investigations Training Academy, Glynco; TSA Deputy Special Agent in Charge of the South Central Regional Field Office and Deputy Assistant Director for the ERO Criminal Alien Division.

Mr. Albence received a B.S. in Justice and a M.S. in Administration of Justice. He is a member of the Senior Executive Service.





**Derek Benner**  
**Deputy Executive Associate Director (EAD) and**  
**Senior Official Performing the Duties of the EAD**  
**Homeland Security Investigations**

Derek N. Benner is currently the Deputy Executive Associate Director (EAD) and Senior Official Performing the Duties of the EAD for Homeland Security Investigations (HSI), an organization of more than 9,000 employees, which includes more than 6,000 special agents who are assigned to 26 Special Agent in Charge offices in major cities, 185 other field offices throughout the United States, and 67 overseas locations in 50 countries. Prior to this assignment, Mr. Benner served as the Deputy Executive Associate Director for HSI. As the investigative component of U.S. Immigration and Customs Enforcement (ICE), HSI's investigative and enforcement initiatives and operations target cross-border criminal organizations that exploit America's legitimate trade, travel, financial and immigration systems for their illicit purposes.

Prior to this position, Mr. Benner served as the Assistant Director of Domestic Operations with oversight of HSI's 26 domestic field offices. Mr. Benner also served as Special Agent in Charge for HSI in San Diego, California. In this position, he oversaw one HSI's largest investigative offices in the nation, which includes a diverse cadre of federal agents, intelligence analysts, and professional administrative staff at throughout San Diego and Imperial counties. He also oversaw a number of HSI-led multiagency tasks forces, which include state, local and federal law enforcement members working together to target cross-border criminal organizations that exploit the legitimate commercial trade, travel, and financial systems in the California/Mexico border region.

Prior to this assignment, Mr. Benner served in several key leadership positions at ICE headquarters. As the deputy assistant director of HSI's Financial, Narcotics and Special Operations Division in Washington, D.C., he was responsible for the agencies national financial fraud and narcotics smuggling programs. He also served as chief of staff to the director of HSI and provided management oversight at the national level.

Mr. Benner began his law enforcement career with the U.S. Customs Service in 1991 as a co-op student. He worked at the San Ysidro Port of Entry as a customs inspector for two years before becoming a marine enforcement officer and a special agent with the U.S. Customs Service's Office of Investigations in San Diego. In 2002, Benner was promoted to the management ranks where he supervised agents assigned to the local maritime smuggling task force and managed the asset forfeiture, intelligence and administration programs as an assistant special agent in charge in San Diego.

Mr. Benner holds a Bachelor of Arts degree in political science from George Mason University.

## ICE: HOMELAND SECURITY INVESTIGATIONS

Mr. CARTER. Thank you.  
Mr. Benner.

## OPENING STATEMENT OF MR. BENNER

Mr. BENNER. Chairman Carter, Ranking Member Roybal-Allard, full committee Ranking Member Lowey, and distinguished members of the subcommittee, I want to thank you for the opportunity to appear before you today to present the President's fiscal year 2019 budget for U.S. Immigration and Customs Enforcement, but specifically for Homeland Security Investigations' portion of the request.

The ICE Homeland Security Investigations, or HSI, directorate is a critical asset in the ICE mission, responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States.

HSI uses its legal authority to investigate issues such as smuggling of narcotics, the smuggling of weapons, financial crimes, cybercrime, trade enforcement crimes, export enforcement, human rights violations, and human smuggling. HSI special agents also conduct investigations aimed at protecting critical infrastructure industries that are vulnerable to sabotage, attack, or exploitation.

In my limited time today, I want to highlight several priorities within HSI's broad mission set that we believe are relevant to our discussion of the fiscal year 2019 budget and HSI's contribution to the administration's and Congress' priorities.

## COMBATING OPIOIDS

First and foremost, HSI's strategy to address the smuggling of fentanyl and other illicit opioids focuses on working at every level of the illicit supply chain. HSI's investigations focus on the point of foreign manufacture, the dark net and illicit marketplaces, and the payment mechanisms used by buyers and sellers throughout the smuggling pipeline, and, most importantly, with our State and local partners, tying overdose deaths to smuggling networks that supply the illicit substance.

HSI has seen a rapid growth in our fentanyl-related investigations and seizures in just the last 2 years. For instance, between fiscal year 2015 and fiscal year 2017 fentanyl seizures and investigations have increased from 69 pounds of fentanyl in fiscal year 2015 to 2,400 pounds in fiscal year 2017. We anticipate this increase in seizures and investigations will continue in fiscal year 2018.

The Border Enforcement Security Task Forces, or BESTs, are ICE's primary platform to investigate opioid smuggling domestically. ICE currently operates BESTs in 62 locations throughout the United States, an increase of 30 percent in fiscal year 2017 in response to the President's executive order on transnational criminal organizations.

BESTs leverage the participation of more than 1,000 Federal, State, local, and foreign law enforcement agents and officers rep-

resenting over 100 law enforcement agencies that target opioid smuggling.

Similarly, HSI's cyber investigations related to fentanyl and other illicit opioids have increased by 400 percent between those two fiscal years, 2015 and 2017.

In response to the executive order and to improve our ability to tie overdose deaths here in the United States to the smuggling networks, HSI has developed a dark web and cryptocurrency training program for State and local law enforcement, training for those investigators and officers that are involved in drug and suspicious death investigations.

So far in 2018, HSI has delivered training to more than 1,200 investigators from State, local, Tribal, and Federal agencies.

#### COMBATING MS-13 GANG ACTIVITY

Secondly, combating MS-13. In addition to protecting the homeland from illicit opioids, HSI further enhances public safety by targeting transnational criminal organizations and criminal street gangs that operate in the United States.

HSI has been laser-focused on MS-13 for more than a decade and through Operation Community Shield, the primary platform through which HSI executes its anti-gang initiatives. In October of 2012, for example, HSI worked with the U.S. Department of Treasury's Office of Foreign Assets Control to designate MS-13 as the first transnational criminal street gang identified as a TCO.

As a result of this designation, any property or property interests in the United States, or in the possession or control of a U.S. person in which MS-13 has an interest, are blocked.

One of our most important partners in our fight against MS-13 is the Government of El Salvador, who we partner with daily. And I just returned from El Salvador last Friday, and I look forward to discussing that later in my testimony.

HSI has established a Transnational Criminal Investigative Unit with the Government of El Salvador and National Police, which makes it possible to extend the reach and impact of our domestic investigations into El Salvador, ensuring that gang leadership in El Salvador is also held accountable for the gang's criminal conduct in the United States.

From fiscal year 2005 to present, HSI has effected over 57,000 criminal arrests of gang members, including over 7,300 MS-13 members.

The DHS efforts to secure our border will not be effective unless we simultaneously focus on the magnets and the pull factors that are drawing people to cross our borders illegally at the same time that we focus on physical border security.

#### WORKSITE ENFORCEMENT

Acting ICE Director Homan has set a high bar for HSI's worksite enforcement efforts in 2018 and going forward. Consistent with his public statements that ICE will no longer exempt any industry or business sector from worksite enforcement, HSI focuses on the entire economy and geographic area of the United States.

Our strategy incorporates a multipronged approach to utilize enforcement, criminal arrests of employers and administrative arrest

of employees, compliance, employment verification inspections, civil fines and debarment, and outreach, the ICE mutual agreement between government and employers, to instill a culture of compliance and accountability.

In support of our efforts to instill a culture of compliance among employers, HSI has developed a plan to expand the Employee Compliance Inspection Center. The new center would allow for the centralization of worksite audits at one location that would ensure a standardized audit process and uniform application of the civil fine matrix.

We believe that it would also represent an orderly and efficient way to build a culture of compliance with employers, and at the same time, identify the egregious violators on a national level for referral to the HSI field offices for criminal investigation.

Without the proper resources dedicated to these criminal investigations, the ramifications of illegal activity will continue. To ensure enforcement efforts increase, ICE requests over \$1.9 billion in discretionary fee funding to support illicit trade, travel, and financial investigations.

#### ICE: WORKFORCE

As my partners have pointed out, our diverse workforce remains our priority to ensure that the mission is executed properly. HSI consists of more than 10,000 employees, of which 6,700 are special agents assigned to more than 200 cities throughout the United States and 50 countries around the world.

Funding for additional special agents and support personnel is critical for global deployment to ensure the safety of our Nation.

#### ICE: INFRASTRUCTURE

We are extremely appreciative of the additional support that the subcommittee provided in the fiscal year 2018 appropriation to invest in the ICE infrastructure. Critical investment in infrastructure and information technology continues to be necessary to sustain ICE operations and to ensure that we can provide our workforce with the necessary tools to complete the mission.

HSI also continues to support the executive orders laying the ground work for ICE to carry out the critical work of ensuring our national security and public safety.

HSI welcomes the additional resources requested in the President's fiscal year 2019 budget request, including 300 special agents and supported mission support personnel, allowing us to better fulfill our mission.

Thank you again for the opportunity to appear today and testify and for your continued support of Homeland Security Investigations. I look forward to answering any questions you may have at this time.

Thank you.

Mr. CARTER. All right. We are going to have a 5-minute rule.

#### BORDER SECURITY: BARRIER PROTOTYPE

I am going to start off with something that is a very hot topic: border security and physical barriers. In fiscal year 2017, Congress

provided \$20 million to begin planning and design for a new barrier, to include funds for prototypes, which were built in southern California last year. We all saw them on television.

What have you learned from the prototype process? How will it inform you of what to construct in the fiscal year 2019 funds?

Congress provided funds for 40 miles of replacement fencing in 2017, over 95 miles of wall in fencing in 2018. Where and when will you begin construction with these funds?

If the fiscal year 2019 budget includes \$1.6 billion for planning, design, and construction of 65 miles of various-type barriers, then tell us what your plans are for border infrastructure, what type of structures do you propose with these funds, and where will they be located.

From the time you get funds, how long before you can start putting steel in the ground with the funds from fiscal year 2019.

Something of very big interest to me as a Texan, the wall goes through the land acquisition process associated with the timeline. What are the obstacles of obtaining land?

Can the entire \$1.6 billion be put on contract by September 30, 2019? Please be specific to those projects that will be put on contract and address the situation in Texas where most land is owned by landowners, private landowners.

A lot of issues there, but we have got to get a clear picture because we have a short-spinning process here in this 2018 budget, and we are still not doing 2017 yet. So we want to find out how we are going to get this thing moving.

Mr. MCALEENAN. Thank you, Mr. Chairman. Important set of questions.

First, let me just acknowledge our appreciation for the re-programming approval in 2017 to get started to learn some additional lessons with this prototyping process that will put us in good position for execution in 2019, as you suggest.

Very quickly, a summary of that effort. We had some important lessons learned. We built four concrete prototypes and four prototypes with other materials in a section of border in San Diego where we have a lot of crossings in that secondary area.

After construction, we performed a test and valuation, both for issues like countering breach of the barrier itself, anticlemb features, antidig features, as well as the construction techniques and space required. And so we learned several key things.

One, we validated the notion that see-through fencing is the most important factor on primary for our agents' safety. So if we are going to have a fence or wall right on the border, our agents need to be able to see through it for security.

Secondly, concrete has some valuable attributes that could be used in other areas, including potentially in a secondary context.

So in terms of the key lessons from these eight prototypes, one, we learned important things about the best combination of materials for antibreach, both for the bollard wall format as well as the concrete.

We applied anticlemb features in different configurations at the top of those barriers. You mentioned seeing some of them on TV. Both a flat face and the tube structure showed significant anticlemb capability for us.

We learned a lot about the constructability and speed on the techniques, including the footing of concrete barrier and how much space is required, and the ability to add sensors.

So we want to add these to our current border barrier toolkit, right? We have 654 miles out there already. We have a lot of experience, over 25 years, building barriers on the border. These features are going to be added to that design toolkit and then applied to specific geographic areas of the border with different terrain in packages by segment.

In terms, of your questions on 2017, 2018, and 2019, we are building replacement wall as funded in 2017 today. In El Centro Sector we started in February. That 2-plus miles of replacement wall is going up in southern California.

#### BORDER SECURITY: WALL REPLACEMENT

We also kicked off Monday of this week our El Paso Sector project with 20 miles of replacement vehicle barrier in terms of the construction. The notice to proceed was back in February. It required a significant mobilization given the extent of that project.

We will be continuing that replacement wall with 40 miles that were funded in 2017 in El Paso with another 4-mile segment, and Rio Grande Valley, importantly, with gates that will close gaps in the existing barrier and wall in Rio Grande Valley, and then a replacement project in the San Diego Sector of 14 miles.

All of that will begin by summer into early fall. So that funding has been obligated and will be applied effectively to start construction.

#### BORDER WALL: CONSTRUCTION

For the 2018 border wall program, we have jumped into that fully for the approximately 95 miles that we will be building. That will cover multiple sectors. First of all, our highest priority sector in Rio Grande Valley in south Texas.

That is where the last several years we have seen 50 percent of traffic crossing our border. As alluded to in the opening statements, both an increase of family units and children. But also hard narcotics, a 25 percent increase in smuggling of hard narcotics, and also a significant increase in criminals and hardened smugglers that we are encountering. So it is a dual traffic there.

So we will building 25 miles of new levee wall system and 8 miles of border wall system in Rio Grande Valley. And then we have a separate San Diego project of 14 miles of replacement wall and secondary, and then we have identified four or five sectors for replacement wall with the funding that was granted in the 2018 budget.

We expect to do awards starting again this summer, August 23 for the San Diego Sector project, Rio Grande Valley in the August-September timeframe. So we will be moving out smartly on those projects. We were preparing for that in anticipation of funding in 2018.

For 2019, you asked specifically would we be able to obligate those funds within the fiscal year if appropriated by Congress. And, yes, we would. Our efforts with the Army Corps of Engineers to identify property acquisition in south Texas are well underway.

## BORDER SECURITY: PROPERTY PROCUREMENT

The key thing, as you noted, is how do you work through that process of obtaining that property, private property in Texas on the border. In other States it is a little bit different. That is a multi-stage process of real estate planning.

You mentioned that we do have to go, unfortunately, to court proceedings in some cases. Often that is just to determine clear title. It is not necessarily that we are having trouble agreeing with a landowner on a fair price for that property. So it is often just to find out who owns it. Some of these deeds go back to Spanish land grants and are very complex to really figure out who owns the land.

So that is a multistage process. We try to do it in a collaborative and open, consultative manner. We are able to reach an appropriate price with most landowners. And then we do have to go through courts just to clear title in some other cases. But that is going to be underway with the \$38 million authorized in 2018 to do real estate planning in advance as well.

So we will be pursuing this effort. We have got a great partnership with the Army Corps of Engineers, great support from our leadership in the Department of Homeland Security, including in management and their procurement expertise. And we intend to do it right and expeditiously.

## BORDER SECURITY: GATES

Mr. CARTER. OK. A couple of questions.

Those gates. We had an existing border wall, fairly substantial, but there were no gates. Have we got those gates in place now or are there still gaps?

Mr. MCALEENAN. There are still gaps today. They are going to start going in place on October 5, 2018. It is not a challenge of actually buying and installing the gates. Again, that is the property acquisition challenge, because once you have those gates in, you have to fully acquire all the land south of the levee wall to the border. But that is underway now. We are going to be beginning installation in October of this year.

Mr. CARTER. Well, one of our sales pitches we made to the landowners is the levee is going to protect your other property from flood. And with those holes in it, it is not. And we could have a lot of egg on our face, since those have been up now for about 3 years and we still have gigantic holes in it.

Fortunately, we haven't—at least I am not aware of the fact—that we have had any major flooding down there in that period of time. But we are in a hurricane alley. When those things come we will be asking, you did all this construction, we all cooperated, why did our land flood? We don't want to be in that business.

I have been warning people since day one, you are dealing with a different world in Texas than you are dealing with the rest of the world. It is all private property except the Big Bend.

And some of it, you are right, goes back to the Spanish land grants. And I have had to pull those titles apart. Even in my part of the world, I used to try these dang things, and I hated them, by the way. But I did. And they can be really time consuming.

You are going to have to really get, high demand, get a lot of lawyers working, or you are going to be forever on doing the Rio Grande Valley. Just a friendly warning, because I tried way more than those than I ever want to try and there are problems.

All right. Well, I have used up my time.

Ms. Roybal-Allard.

#### ICE: PARENTAL INTEREST

Ms. ROYBAL-ALLARD. Associate Director Albence, it currently came to my attention that on August 29, 2017, ICE finalized a new directive on detention and removal of alien parents or legal guardians. This supersedes the August 23, 2013, directive on facilitating parental interests in the course of civil immigration enforcement activities.

Just a month earlier, the House Appropriations Committee reported the fiscal year 2018 DHS Appropriations Act to the House, along with House Report 115-239, which included the following language: "ICE should ensure that field officers are appropriately trained on the requirements of ICE's parental interest directive and on mechanisms to reunite family units. ICE shall not rescind or change the policies contained in this directive."

While it is true that the House report language was not legally binding, can you explain to this committee the following? And I have three questions here.

Why would ICE take this action just over a month after the committee made clear its interest in the parental interests directive?

Second, why would ICE take this step without any kind of notification to the committee?

And finally, can you describe the parts of the parental interest directive that were eliminated in the new directive and explain why they were not included?

Mr. ALBENCE. Thank you for your question.

A lot of policies, obviously, when the executive orders were passed, required revision in order to align themselves with the requirements of the executive orders from the President. So we looked at all of our policies on a wholesale basis to determine which ones were in conflict with the executive orders and needed to be rewritten, which ones just needed some revisions, and other ones which needed to be done away with altogether.

With regard to the parental interest directive, what we found during the review was that there was a lot of information in there that was duplicative of information that was in other policies that could cause confusion among our officers out in the field that actually have to apply those policies.

So what we were doing, in addition to looking at the policies and making sure they are consistent with the executive orders, is to also ensure that the guidance that we are able to give our employees is clear, concise, and is able to be followed without confusion or conflict with other existing policies.

So with regard to the policies, let me say what is the same in those policies. Both policies address the initial detention and placement of transfers. Both policies address visitation requirements and the processes for that. Both address coordinating the care of the minor children pending the removal of the alien parent, and as



well as the recordkeeping requirements that are through this process.

As always, the primary focus will be the safety and well-being of that child. One thing that we added in this policy, which was not there previously, which we think is important, is how do we handle children and others that we come across during enforcement actions on the interior of the United States when we arrest a parent, taking enforcement action, how do we handle those children that may not have an appropriate parent or guardian that is able to be remaining at that residence to take care of this child.

So we work very closely, and it lays out in that policy the directions that their officers must take to establish alternate accommodations for that child, generally with family members, friends, somebody that the parent—and the parent is involved in that process, is telling the officers who they want their children to go with.

Only as a last resort would we have to go to something like, you know, a Department of Children and Family Services when there is no adult that the parent is comfortable with and that we are comfortable with from a safety perspective to place that child.

Again, the Immigration and Nationality Act clearly recognize the heightened role of the parent and the responsibilities and sensitivities surrounding that, which is why the INA provides provisions for relief from removal for individuals that are parents. So an immigration judge can find and issue a cancellation of removal on an alien parent in removal proceedings, even if that individual has been found removable, to be in violation of the immigration laws.

So we certainly throughout the immigration enforcement continuum understand and respect the parental rights. We have policies, and this policy in particular. We allow parents that have been removed, if they need to be paroled back into the United States, to attend a court hearing with regard to custody or other child welfare issues.

Our parole policy already covers how that is done. So that was in the old policy. It specifically laid out what was done. It was duplicative of what is in our existing parole policy. So in order to streamline things and make it more user friendly for our officers, that part was taken out.

It didn't take away their right to have parole or their ability to have parole to come in for one of these hearings. It is just covered by another policy, so it is duplicative in this policy.

Ms. ROYBAL-ALLARD. Let me just suggest that perhaps in the future when a decision is being made, even if it is a directive from the President, and it is not consistent with language and directives from the committee, that I would recommend that you at least contact the chairman of the committee and inform them of decisions that are being made that do not reflect what has been put into report language.

#### CHILD SEPARATION

And just very quickly, as a follow-up to what you were mentioning with regards to the children, there have been several stories in the press lately about the separation of families by both CBP and ICE. And I asked Secretary Nielsen about this during yesterday's hearing, and I want to raise it again here today.

I understand that one of the reasons for separating minor children from a parent or guardian is the concern about the validity of a claimed familial relationship that traffickers may use to enter this country.

What I would like to know a bit more about is the process for verifying familial relations or debunking these concerns, and what are the weaknesses in the process that have caused unjustified separations of parents from their children, as was the case with the Congolese mother that was separated from her 7-year-old child for 4 months. I believe the mother was sent to San Diego, and the 7-year-old child was sent to Chicago.

And it would be both for you, Commissioner, and for Mr. Albence.

Mr. MCALEENAN. I can start, Matt.

Thank you, Ranking Member.

First of all, for CBP, the separation of a group that presents as a family unit is right now a very rare event. It is about 1.4 percent of all of these groups that show up at our border.

And the first question you ask is, how do you determine family relationship? So this is done very carefully based on an interview of the individuals, based on processing with fingerprints, looking at records in our system, coordination with the consulate, coordination with other authorities in the United States.

So when we make a determination to separate family based on the fact that we don't believe there is a familial relationship, it is generally based on admitted or clear fraud, from a CBP perspective.

The other cases where there is separation when it is a family unit is if there is a criminal issue with the adult parent that needs to go through the DOJ process for prosecution. And that is, again, a very rare circumstance.

So we have careful policies, supervisory approval, and it doesn't happen very often.

Ms. ROYBAL-ALLARD. I know I have run out of time, so I am really more interested in understanding better what are the weaknesses in the process that would cause cases—because this isn't the only case we have heard of, of this Congolese mother being separated, where in fact at the end she was finally given a DNA test, 4 months later. What can be done to better ensure that these things do not happen?

Because one of the big concerns is that psychiatrists and psychologists tell us and experts in this field tell us that the trauma that is caused to the child is very often not reversible. And so that is my concern. What can be done to help ensure that these things don't happen at the onset?

Mr. ALBENCE. Thank you.

We obviously share your concerns. Our concern always is the health and well-being of that child, especially when they are in a position where they, themselves, did not choose to make that journey.

One of the difficulties that we experience, and the Commissioner's officers experience it, but also comes on us, is that individuals don't have any documentation. They have managed to travel around the world with documentation, but by the time they come

to us, that documentation has disappeared or has been thrown away or not used.

So there is always concerns that somebody is trying to obfuscate their relationship or their identity when they appear without any sort of identification documents, which is why we work very, very closely with the consular officers.

Without getting into any one case in particular, a lot of that hinges upon the cooperation with the consular officers. If we have an individual that presents themselves as a parent and there is questions with regard to that relationship and they refuse to speak to a consular officer from their home country for an extended period of time, it makes things difficult for us.

Not only that, it raises a red flag. If this individual is generally this individual's parent, why would they not be taking every affirmative step to make sure that they could be reunited with that individual.

So, unfortunately, it is a balancing act sometimes where we have to err on the side of the safety of that child. God forbid, we put them in the hands of a trafficker or somebody that is not their parent and they become victimized from that.

That said, we are always looking at our policies and our procedures to ensure that they are as efficient and effective as possible.

You mentioned DNA. That is something that we are looking at from a DHS-wide perspective as to how we can better utilize DNA in this process as well as our other enforcement processes that we have. And we would be glad to come back and give you a full briefing on that at another time.

Ms. ROYBAL-ALLARD. Thank you.

Mr. ALBENCE. Absolutely. Great. Thank you.

Mr. CARTER. Dr. Harris.

Mr. HARRIS. Thank you very much, Mr. Chairman.

And I want to thank all of you for the job you do in enforcing the law.

#### ICE: IMMIGRATION ENFORCEMENT

My first question, to the Commissioner and to Mr. Albence.

Your agents are sworn law enforcement agents, is that right?

Mr. ALBENCE. Yes, they are.

Mr. HARRIS. They are. So they believe, as every law enforcement officer I have ever talked with, they do believe they are actually—they exist to make America safe, to make communities safe. I imagine that is the way they feel.

So I am going to apologize for the left-wing attacks that your officers had today on them. You know, you heard today that somehow their law enforcement effort is to make communities less safe.

And I have got to tell you, those kinds of attacks on American law enforcement agents and officers has to stop because it doesn't lead to good things, as we are experiencing in Maryland where, of course, some of our police officers have come under attack and where we now have record murder rates in one of our cities, because, honestly, law enforcement officers get discouraged when that is what they hear from public officials. So I am going to apologize for that.

Because what is really heartless would be letting MS-13 terrorize Maryland communities. To my surprise, Maryland is the second most common active place for MS-13. Literally within 30 miles of where we sit today, MS-13 runs rampant because we have not enforced our immigration laws in the past.

CBP: BORDER CROSSINGS

Now, Commissioner, we heard there is no need for increased border funding because border crossings are down. But in fact—are historic lows, I think that is what we heard today, are historic lows. But actually I think the border crossing in the past, in February and March, actually were higher than in two of the last 6 years. I think that we are actually seeing an increase in border crossings above levels that we have seen in the past decade. Is that correct?

Mr. MCALEENAN. Yes, that is correct.

Mr. HARRIS. OK. So, in fact, we are not at historic low border crossings. We are actually seeing a resurgence in border crossings, which I believe is because we are talking about amnesty once again. And believe me, look, I understand the economics of it. If America has open borders, you freely cross, you come here, you get citizenship, why wouldn't you cross our borders?

So I personally feel that we not only need the \$1.6 billion in that budget, we need far more to do it, including a wall.

ICE: IMMIGRATION ENFORCEMENT

Now, Mr. Albence, your agents don't remove people who are here illegally, do they, unless they have committed a crime? Is that right? I mean, you don't go find people here illegally and remove them? I mean, my family is here illegally. I don't think you come knocking on our doors to remove us, do you?

Mr. ALBENCE. Correct. Our officers—

Mr. HARRIS. OK. That is what I thought. I mean, look, these are simple questions. The fact of the matter is your law enforcement officers enforce the law.

Now, people may disagree on what the law ought to be. That is fine. We live in a democracy. We disagree, we just go ahead and we make changes to the law if we need to. But we have to trust our law enforcement officers and support them when they enforce the law.

Now, we heard about an impulsive decision on calling out the National Guard. The last President also called them out, but I don't recall the word "impulsive" being used then. Because "impulsive," honestly, is a personal attack on our President. I get it. I fully get it. It doesn't belong in the national conversation. It doesn't do anything for us.

ICE: SANCTUARY POLICY

Mr. Albence, do sanctuary policies which let local jurisdictions release prisoners knowing there are detainees—I have read that that could threaten the safety of your agents. Now, your agents have to go out, and instead of taking them into custody in a jail, which is

a safe environment, they have to go into the community. Is that correct? Is that the impression of your officers?

Mr. ALBENCE. Yes, it endangers the safety of our officers and it especially endangers the safety of the community that they are being released back into.

Mr. HARRIS. Absolutely.

So talk about trauma, I mean, you know, and talk about trauma and who elicits trauma. I mean, my understanding is there is a Dreamer called Ivan Castaneda in Colorado last month killed a 57-year old. Now, that is real trauma. Then gets held in a Denver prison, and they don't contact ICE, and they release him into the community. That is the potential for trauma.

#### ICE: OPIOIDS

Mr. Benner, did I hear you right that you have seized 2,000 pounds of fentanyl last year?

Mr. BENNER. Yes, that is correct.

Mr. HARRIS. 2,000 pounds.

Now, I am an anesthesiologist. I know what fentanyl is. And I used it in the operating room last week. Most people don't realize that one-quarter of a milligram can kill you if it is injected IV, a miniscule amount. And I just did the calculation.

I want to thank your agency for doing this because that amount of fentanyl, given as an intravenous bolus incorrectly, can kill 4 billion people. That is the amount of fentanyl we are talking about, that potentially crosses our borders. And you are the thin blue line that helps separate us from that. Literally, you have seized enough to kill 4 billion.

This has got to end. And one of the ways it ends is through law enforcement.

I just want to end by saying, look, thank you all for enforcing the law, and in the instance of seizing dangerous drugs like fentanyl, finding where they are coming from, saving potentially thousands of American lives. So thank you very much.

I yield back, Mr. Chairman.

Mr. CARTER. The chair recognizes Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman.

One good thing about this committee, we do have different perspectives. I think we are all trying to reach the same thing, but we do look at things a little differently.

#### CBP: BORDER SECURITY

For example, when we talk about crime, everybody points out to the border. But I think if you look at the latest FBI statistics, the crime level at the border is lower than the national crime rate. I don't have the exact number of Mr. Harris, but I can bet you that my city of Laredo has less murders per hundred thousand, less rapes per hundred thousand, less assaults per hundred thousand.

In fact, if you look at Laredo compared to Washington, DC, the murder rate is much higher here than we have. And I think, lately, we have had more people jump the White House fence than some of the other fences that we have down there.

So we do have different perspectives, and I appreciate that we are looking at it, but you just can't blame the whole fault on the

border itself. And this is the point that we want to make sure that we understand.

And I appreciate everything that you all do. I have been very supportive of the work that ICE does. And please say hello to Tom for me. And, Commissioner, again, congratulations on your appointment.

But we do disagree on a couple things. I am happy that we got another, I think, 326, 328 CBP officers, and hopefully, you put them in the areas that we need them, the high traffic areas that we need them.

When you are trying to stop drugs, understand that according to DEA most of the drugs come through ports of entry. So the moneys that we added for technology will be good for ports. The new CBP officers will be good. So we can stop the drugs coming in.

They don't come in through—in between the ports of entry. I mean, the majority of them will come through the ports of entry. And we need to make sure we stop them other places.

If we want to stop people from coming in, keep in mind that over 40 percent of the people that came in came through legal visas. So even if you put the highest wall or fence, they are either going to drive through a port, they are going to fly on the airplane, or they are going to come in by ship.

So, again, we have to look at this comprehensively and not think that the wall, which is a 14th century solution, is the solution, the magical bullet, to everything that we are looking at.

The reason I am against the wall is, one, the cost. It is expensive. One mile of technology compared to 1 mile of fencing is a big difference, maybe a million to one. It used to be \$6.5 million per mile of fencing. Now it is a lot more, depending on what prototype you want to follow.

Private property rights. I am amazed how some of our friends have fought for private property rights, but it comes to the border, it is a different double standard itself. So I am a big believer on standard rights, on the private property rights.

If you look at the terrain, we know—and I think all of you have been down to the border—it is hard. And sometimes you have to put a fence or a wall a mile away from the bank because of the terrain, the International Boundary and Water Commission standards, so you give away that.

People have talked about the gates. What are you going to do about cattle and wildlife? Are you going to give them an automatic gate opener so they can go ahead and open the gate themselves?

So there are a lot of issues we have to look at. But I think one of the most important things that we have to look at is what the Border Patrol chief has said, Bush, different chiefs under him, Obama, and even under the current one, under Trump. How much time does the fence actually buy you? The Border Patrol chief under Trump said, quote, “A few minutes or a few seconds,” unquote.

And, again, I would rather have an awareness where you can have aerostats, cameras, sensors, enough Border Patrol.

And as you know, Commissioner, we are actually losing more Border Patrol than we are hiring Border Patrol. We just put out a \$296 million contract. I wish we would have used that to give our

men and women a bonus or retention instead of losing our men and women that we are losing right now.

So, again, we are all trying to do the right thing. We just have different perspectives. And, again, I don't want to get political, but November, we might have a different perspective after the November elections. We just don't know. So I just want you all to be flexible.

And when you talk about those 8 miles in Starr County, my district, or you talk about the levee wall—and the levee wall is one of the issues that Senator Cornyn and myself and the county judge, we came up with that compromise under the Bush administration.

The only thing I would ask you is take local input in consideration. I know we did the wildlife exemption. There is still a Bentzen Park that we like to look at. And, I mean, I am just saying, let's just take the local input, because the last time Washington came down marching through a wall back under the Bush Administration they were looking at cutting the UT Brownsville University in half. My joke was, are you going to take English and Spanish or English depending on where your classroom was at?

So we just have to be a little bit considerate of the local population input as we put some of this security.

Again, I have always said, I support security. I have got a border sheriff who is my brother down in Webb County. I appreciate the Hector Garzas and the Cabrerias and David Higgerson, Jason, Mr. Owens down there, Manny Padilla. You have got a lot of good people. Janice, Eliza. You have a lot of good people.

All I am saying is you have got to take some of our communities into consideration as you do this. We just can't have Washington, big government, come down and say: We know Starr County better than you do. We know this better than you do. Just take the local communities in consideration.

I will come back on the second line of rounding so I can hear your answer.

Mr. CARTER. I would have given you more time, Mr. Cuellar, but you never asked a question.

Mr. CUELLAR. Well, Mr. Harris got—

Mr. CARTER. But you preached a good sermon while you are at it.

Mr. CUELLAR. Harris has a way of getting people excited.

Mr. CARTER. He is a good guy.

Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman. And I will try not to make that mistake. Thank you for having this hearing, both you and the ranking member.

Gentlemen, thank you for being here with us this morning. I have got to say that you are tasked with one of the most difficult and most important jobs that we have in this country, keeping our homeland safe. And I just appreciate very much all of the efforts that you and the people that you represent that stand behind you make on our behalf. So thank you from the American people.

Director Albence, I represent the State of Washington, part of the State of Washington, in the central part of the state, which is a rich agricultural region. Agriculture is the biggest economic driv-

er in my district. We pride ourselves on the number of different crops we raise and the variety of different things that we raise.

#### ICE: WORKFORCE COMPLIANCE TARGETING

Just in the last couple weeks, I held a farm bill listening tour, tried to touch base with as many of my producers as I could in every single county. And the conversation quickly went to probably one of the issues that are at the top of their mind, it has to do with our labor force and the severe crisis that it is in.

One of the solutions that has been is to utilize the H-2A program, the agricultural guest worker program. And just the last couple years H-2A workers, not just in my State, but throughout the country, are record numbers. I think that the numbers have nearly quadrupled. I think we are bringing in something this year over 30,000 just in the State of Washington alone. But it is still, interesting, not enough to meet the needs of the agricultural economy.

So let me just relate to you some of the things that my producers are telling me. Because of the broadening enforcement efforts by ICE, "targeting" is the word used many times, even legal workers and legal farmers, people are in a place where they think they are being targeted.

And I have continued to work with my colleagues in the House of Representatives and the Senate to try to find solutions to our immigration issues. That is on us. And we fully accept that responsibility and we continue to work with the administration and others to fix that.

But, like I said, growers in my district, as well as around the country, have said that even with a legal work force they are feeling that they are being unfairly targeted and become ground zero for ICE raids because of their workforce, which makes it tougher to grow the food and fiber that we need.

So with that premise, the continued targeting of agriculture, it is not going to fix a system that is broken, which has truly become a bureaucratic nightmare. It is not going to address the needs in farm country. If you added enforcement actions to existing delays in the H-2A program, which is outdated and bureaucratic, along with food and labor shortages already, just more problems are added on to an already dire situation.

Many in AG see that ICE is looking for a pretext by targeting agriculture. And true or not, I wanted to express that to you. We can't see another year of crops going unpicked. It is costing agriculture millions and millions of dollars around the country.

Now, I fully appreciate the work that you do, and I listened intently to the comments that you made as far as your mission, in fact, and I read with great interest the mission statement that is in your biography, too: "Identify arrest, remove aliens who present a danger to national security or a risk to public safety." And I applaud that. And we want to give you every single resource that we can to make sure that you can fulfill your duty and your mission. But we have scarce resources.

Could you explain to us what your priority is? And help me understand the dynamic here, the feeling in AG country versus your stated mission of finding those that are a threat to national security and a risk to public safety. Could you talk to me about that,



and maybe your view, is the administration's enforcement policies, are we fighting against ourselves when we don't have a comprehensive immigration reform system?

Mr. ALBENCE. I will briefly answer your question, then I am going to pass it over to Mr. Benner here, because he controls worksite enforcement. And I think that is kind of where you were going with that.

I will tell you from the ERO perspective, we do do targeted enforcement operations. We don't do raids. When we go out to make an arrest, we know who we are going to arrest, we know where we expect them to be, and we also, when we have the available intelligence, also know who else might be there with them.

So we exercise all due diligence to ensure that if we are going after an aggravated felon, somebody who has a weapons violations or an aggravated assault with a deadly weapon or is a pedophile, that we make sure that the other individuals that might be present in that residence are not also posing a risk for the safety of our officers as well as the community.

So we don't engage in raids. We do targeted enforcement operations, as I mentioned the statistics in my opening. And we can certainly provide you more.

Mr. NEWHOUSE. Yes, 74 percent have criminal records.

Mr. ALBENCE. No, 89 percent have criminal records; 74 percent are actually convicted.

Mr. NEWHOUSE. Oh, very good.

Mr. ALBENCE. And then, absent those that are criminals, the other largest bucket of the individuals that we arrest are individuals that are fugitives, meaning they have been through the immigration court process, have had their day in court, have availed themselves of any appellate process they may choose to do so, but at the end of that process, they have been ordered removed by an immigration judge. We are going have to execute that removal order.

And then those who have actually been removed and then illegally reenter the country, which, again, is a Federal felony, one that we prosecute significantly. And Commissioner McAleenan's people prosecute that case heavily along the border as well.

So I will leave at that, and I will pass it over to Mr. Benner to talk about worksite.

Mr. NEWHOUSE. OK. Thank you.

Mr. BENNER. Thank you, sir, for the question.

I want to be kind of clear in terms of the fiscal year 2018 priorities and the worksite efforts that we have had this year. And we have said clearly that no industry is off the table by itself.

And as a matter of fact, the surge operations that we have done in 2018 have not included the agriculture industry at all. We have actually been looking at, in Operation Backtrack, we have been looking at previous audits where we had some significant findings at that time. So we are looking to make sure that there is not a kind of a culture of illicit employment occurring again.

ICE: COMPLIANCE CENTER

We have looked at, in particular, some of the building and trade industry at the smaller level in communities.

One of our goals in talking about this compliance center, this centralized center, is to bring a sense of orderliness and efficiency to the audit process and centralize it for the whole country, so that we are actually able to create more of a culture of compliance through audits and fines as opposed to enforcement action.

And what we want to do is have a regularized, reasonable expectation, similar to the IRS, that people, business owners could feel that we are going to look at their I-9 eligibility documents and we are going to audit them.

And then from that, at the national level, we will be able to distill the actual most egregious violators on the national level and not on a town-by-town or county-by-county or industry-by-industry. We can actually look at the national level, like who are the worst. Because one of the top priorities for us when it comes to criminal investigations is the exploitation of unauthorized workers.

Mr. NEWHOUSE. So you are talking about worst employers versus employees, right?

Mr. BENNER. The worst employers, that have built a business model on unauthorized workers.

And, typically, I will tell you my experience, is in many criminal investigations with these types of employers, the unauthorized workers are exploited in terrible ways. Wage earnings. Safety. Improper training. Improper equipment. They are treated completely differently than the authorized workers in all of those areas. And many of them will not come forward to report unsafe working conditions or injuries because there would be the fear of being let go and terminated.

So that is one of the top priorities for HSI, the exploitation.

I also want to remind, we have to remind ourselves, I think, too, is when we talk about worksite, is the collateral crimes that occur around an illicit employment scheme. Tax fraud. Identity theft. Bank fraud. The exploitation crimes that I just mentioned. The OSHA violations in terms of unsafe working conditions for employees. And the illicit payment methods that the most egregious employers use to pay the unauthorized workforce in cash.

So our goal is to, having 10 years of experience kind of in the worksite realm, our goal is to take that work out of the field offices, create a centralized process that uses smart automation and uses auditors to execute that audit function on a national level and a risk-based model.

Mr. NEWHOUSE. All right. Thank you very much.

I have gone way over my time. I apologize for that, Mr. Chairman.

But thank you for your answers.

Mr. CARTER. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman.

And let me add my welcome to all of you. Thank you for appearing before the subcommittee.

I want to pick up on Mr. Newhouse's line of questioning, actually, and maybe put it in a broader context.

I have been on this subcommittee a long time. I have worked with Mr. McAleenan and other career employees for many years, been chairman, been ranking member. And so I am very familiar with this debate about enforcement priorities.

## ICE: REMOVAL ENFORCEMENT PRIORITIZATION

So I am going to turn to you, Mr. Albence, and ask you to hopefully help me understand what is going on. I have supported efforts like the Priority Enforcement Program in the last administration, the idea being to prioritize the enforcement efforts on dangerous people. It is very straightforward and very simple. The best way to utilize limited law enforcement resources is to prioritize those who truly provide a threat to public safety and national security.

Now, this isn't providing anybody a free pass, but it does assume that discretion must be exercised, will be exercised by enforcement authorities.

Now, President Trump has claimed that he focuses on dangerous criminals. In fact, sometimes he seems to regard most immigrants as dangerous criminals. But he has made that claim. But it seems to me his enforcement efforts have been unfocused and sometimes arbitrary. And I will just give you a quick example.

Inexplicable decisions regarding constituents that have little to do with any understandable exercise of discretion. I just have to say, in January, for example, during a regularly scheduled check-in with ICE officials in Atlanta, one of my constituents was arrested. He had been in the U.S. for 14 years, had built a life in North Carolina, a prominent member of a local church, living with HIV, chronic kidney failure and diabetes. His only crime was overstaying his visa because he had a credible fear of political retaliation in returning to his home country.

He checked in regularly with ICE for over 8 years under his order of supervision, was still fighting to receive asylum, but when he went to his appointment in January, he was arrested, and now he has been shipped out. He was an upstanding member of the community. Now he has been deported.

The specific combination of medicine that he needs to fight his HIV, his diabetes, his chronic kidney disease, is not available, I promise you, in his country of birth.

I contacted the Department and talked to someone, supposedly, in a position to do something about this. I fear ICE gave him a death sentence. And that was very clear at the time, I assure you. It is not something I am saying in retrospect.

This is just one example. I can promise you that nearly all of my 534 colleagues could give you similar stories.

## ICE: ENFORCEMENT DISCRETION

Now, let's talk about discretion. Even at an accelerated rate, deportations are only a fraction of millions of immigrants here illegally. There will always be that situation.

Therefore, there is always going to be discretion required in terms of immigration priorities. The President has said there will be priorities. Yet, sometimes Director Homan talks as though there is no alternative, no discretion. He once said he is simply following the law.

We have all been around long enough to know that that is simply not the situation. There must be discretion. You are always going to be shipping out only a fraction of those who are here illegally.

So the question is, what kind of discretion are we using? On what principle, on what basis are we doing this? I want to know that. I think we are entitled to know it. Isn't it true that discretion is inevitable? And what can you tell us about your current granting criteria in the administrative exercise of discretion? What is your order of removal strategy?

Mr. ALBENCE. Thank you for your question. And I appreciate the opportunity to get some facts out there about how we actually do our business, because I think there is a lot of misconception, especially in the press. There is a lot of sensationalization about what we do and how we do it.

Mr. PRICE. Let me just assure you, I am not relying on press accounts. I am relying on firsthand experience. I am relying on an attempt to work with your agency in getting facts brought to attention that I thought warranted attention. So press accounts, whatever they may be, that is not what we are talking about here.

Mr. ALBENCE. With regard to how we conduct our operations, as I have mentioned, we do targeted enforcement operations. That does not mean that those individuals that are here unlawfully in the country that are either encountered during the course of those operations or at some point in the past were encountered at the border and placed into removal proceedings are not going to have the law enforced equitably against them. In order to establish fidelity to the immigration system, there has to be a consequence at the end.

When an individual goes through the immigration court process, and if the individual claims credible fear, that is just the first step. They go in front of an immigration judge to make a determination as to whether or not an asylum is going to be granted.

If the judge grants that asylum, that individual goes and gets their benefit and is never bothered by ICE again unless they commit some sort of criminal activity because they are here lawfully.

We respect the decision of the judge in those cases. If that individual is denied asylum and ordered removed by an immigration judge, we also respect that decision. We have to be equitable in the way we do our business.

So if we are going to respect the decision when an immigration judge finds in favor of the alien, we also have to respect the decision when the immigration finds in favor of the government when we prosecute that case. And if we don't execute that order at the end of that process, then we don't have a process.

Mr. PRICE. All right. There are 11 million people who are vulnerable in the respect you are describing. Are you or are you not exercising discretion in choosing whom to detain, whom to deport in that large universe of people? Are you in fact prioritizing dangerous people? You claim to be doing that, but then turn around and also claim that you have no discretion.

Mr. ALBENCE. We are certainly prioritizing individuals that are national security and public safety threats, repeat immigration violators and immigration fugitives. But we are not doing so at the sole exclusion of other immigration violators. We are not going to turn a blind eye to somebody that we end up in contact with that has violated the immigration laws.

Again, most of these individuals in these cases that have been here for a long time were arrested entering the country illegally in the first place. That is how they ended up in the immigration continuum.

So we are just merely following through on the processes that have been established. And when the process is that an individual receives a removal order and we are required to execute it, we will do so.

Mr. PRICE. Thank you, Mr. Chairman.

Mr. CARTER. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Good morning, gentleman.

#### COMBATING OPIOIDS

I have a two-part question. Yesterday, I asked Secretary Nielsen about the challenges fentanyl and other synthetic opioids are presenting to this country.

First off, I would like to ask you, Commissioner McAleenan, how you are planning to utilize the \$224 million for opioid and Non-Intrusive Inspection equipment. Specifically, what investments and technology are you wanting to prioritize?

For Director Benner, I know Homeland Security Investigations has played an integral role in current interagency efforts for disrupting and dismantling TCOs. Our intelligence and situational awareness for cocaine is impressive. Are our efforts as mature when it comes to the organizations involved in opioid smuggling? And where do further investments need to be made?

And, gentleman, I will ask for the most concise answers because I have two other questions.

Mr. MCALEENAN. We have a robust, multifaceted effort against fentanyl, but I will focus on your question given the time.

We really appreciate the boost in funding for Non-Intrusive Inspection technology. Fentanyl is coming through ports of entry on our land border, as well as through international mail and express consignment facilities. So we will be applying this funding on two types of technology.

One, increasing our ability to detect it, especially in vehicles or in small packages. We want to increase the amount of vehicles that we are sending through inspection and increase the fidelity with which we can detect concealed narcotics in those vehicles, as well as small packages.

The second side is the testing. The good doctor alluded to the high potency and risk of fentanyl. We want to be able to test it carefully to protect our officers, but also, as soon as we find out what it is, prioritizing those for controlled delivery with our investigative partners at HSI, U.S. Postal Inspection Service, and State and local, so that we can arrest the people on the U.S. side receiving those dangerous drugs and take effective criminal arrest and prosecution action.

Mr. FLEISCHMANN. Thank you, sir.

Director Benner.

Mr. BENNER. Thank you for the question, sir.

So we are grateful for the resources, the special agent resources that we got in fiscal year 2018 as an addition. And I can tell you

that those resources are going directly towards the fight in fentanyl.

For example, in certain parts of the country where we have the Border Enforcement Security Task Force, in partnership with the Commissioner's team, Ohio Border Enforcement Security Task Force and the one in Memphis at the mail hub, we are in lockstep with CBP in terms of the interdiction piece and then taking that next step, the investigation piece, to identify the illicit supply chain, and actually the other bad actors that are out there.

Some of the investigative techniques we use lead us to additional criminal activity, and in certain cases, I am thinking of a case in Pennsylvania, one of the largest pill mill manufacturing operations in the State's history of synthetic drugs, of which the very high purity levels of fentanyl coming from China is an ingredient. And I can assure you, these aren't chemists that are making these pills there.

The scariest part about this is, so we fight it on the border front, but we also fight it on the dark web and the illicit marketplaces.

And the scariest part about this issue is, you don't need to know a drug dealer anymore. You can sit in your home, at a computer, download the onion router, get on the illicit marketplace, order these substances, pay for it using cryptocurrency or other forms of money service businesses and transfers, have it shipped to a PO box or an address, and wait for it to show up.

The days of knowing a drug dealer on the street and conducting hand-to-hand deals, unfortunately, that is not prevalent in fentanyl. So we have to be laser focused on the cyber aspect as much as we do the border aspect.

And I can tell you that, based on our resource prioritization model, for fiscal year 2019 we plan on dedicating, if the committee sees fit, a substantial number of those 300 special agents to the fentanyl fight and the MS-13 fight.

Mr. FLEISCHMANN. Thank you.

Well, it looks like, Mr. Chairman, my time is about up. I had a couple other questions, but I will pass. Thank you.

Mr. CARTER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Are we having a second round, Mr. Chairman?

Mr. CARTER. I hope to.

Mr. RUPPERSBERGER. OK.

#### BORDER SECURITY: NATIONAL GUARD

Well, first thing, I want to make a statement first. This is not going to be a question. And I think it is relevant because it is an issue now, that the President has ordered a certain amount of National Guards to go to the border.

I have been working on national security now in Congress for the last 15 years, and in my opinion, it is a waste of money for the National Guard to go to the border. And they are going to be just backup. That is not really where the issues are. Of course, we need enforcement, we need Border Patrol.

And I believe very strongly that securing our borders should be a top priority. As a matter of national security, we should know

who is coming in our country and who is not. But just as important as who, we need to know what is coming into our country.

#### COMBATING OPIOIDS

As you know, Customs and Border Protection plays the lead role in stopping the importation of contraband, such as prescription painkillers, opiate analogs. These drugs are pervasive in all of our districts.

I want to share with everyone on the committee and to you all, and you know these numbers, I am sure, how much worse the problem is getting.

In 2013, Customs and Border Patrol seized 2.4 pounds of fentanyl. That is—4 pounds, whatever. In contrast, just last year, CBP diverted over 71,000 pounds throughout the country from the black market. And for this reason, our priorities in this budget should be stemming the flow of illegal narcotics, especially fentanyl.

Dr. Harris stated how serious it is. As we know, it can touch your skin and affect you. Very serious. And especially, as it relates to our agents. It is 10 times more potent than heroin. So it is something we have to deal with.

My question, and I will get to more specifics the second round, if we have it, Mr. McAleenan—and by the way, you have had a great future so far, and I am glad you are in your position. And you all have tough jobs.

When you make the comment about you have to follow the order of the judge, that is very important and relevant, but we have a lot of issues here with 11 million people. And what Congressman Price was saying was very important.

But you have certain jobs and we understand that. But we also ask for discretion and training to deal with the issue.

First, my question is simple in this one, and then I will get to the facts later. What steps is DHS taking to stop the importation of highly potent, highly concentrated fentanyl?

Mr. McAleenan. Thank you, Congressman, for an opportunity to elaborate on our strategy.

At CBP, I commissioned a counter-opioid strategy early last year to really make our efforts more comprehensive and integrated across the agency. And so we are pursuing this along multiple lines. The first, I mentioned the two vectors for fentanyl, the land border ports of entry and the international mail and express consignment facilities.

#### COMBATING OPIOIDS: MAIL

On the mail side, that growth has been explosive with e-commerce, five-fold increase in the last 6 years in international mail facilities. That means at JFK, we can get a million parcels a day coming in through that mail facility.

So the first thing we need to start with, as we do all of our enforcement and risk management at CBP, is good data, good information on what is in those shipments. So we have been partnering with the U.S. Postal Service to increase the amount of information on mail parcels coming into the U.S. And I am talking from under 10 percent a year-and-a-half ago to 65-plus percent now, thanks to

U.S. Postal Service engagement with China, in particular, which is the primary source of fentanyl.

And we are putting that to good use. We have already tripled our fentanyl seizures in the mail environment in this fiscal year from last year and that is based primarily on these targeted efforts with good data coming in.

I mentioned in the response to the last question, the technology, being able to inspect it and test it better, and then partner with our investigative partners to actually do that controlled delivery to understand who is receiving it and then target the network and see what else they are trying to order from abroad.

So we are trying to hit it from all of those angles—the information up front, the analysis of what is coming in, good technology to inspect an increased number of vehicles and shipments, and then good partnership with investigators.

#### BORDER SECURITY: NATIONAL GUARD

Mr. RUPPERSBERGER. We know the President has made it a campaign promise of securing the wall. But we also, and I think Congress understood it, he didn't get the money he needed, that it is more important to have technology working with the wall and the manpower to deal with it.

Now, I only have like 20 seconds, so I am not going to get too far into this. But I started out by talking about having the National Guard, for whatever reason, and all the support, that they are just going to be support.

Would it be better to have more DEA agents, since really drugs and fentanyl now and the problem of opioids is where we are, than it would be to have more National Guard? Or would you rather not comment on that?

Mr. MCALEENAN. I think both investigative partners and extending our capability with increased surveillance by the National Guard is important. HSI is our primary partner for drug investigations on seizures at the border. DEA is a tremendous partner for us as well.

But what the National Guard is going to do is bring in significant aviation assets that can close our gap for that surveillance piece at the immediate border. It is supportive, but it also tells us what is crossing so that we can interdict it more effectively.

Mr. RUPPERSBERGER. I just came from another hearing where we had the head of the National Guard and asked what the duties were going to be. It seemed to me that they are more administrative or support than anything.

Is my time up or do I have 30 seconds?

Mr. CARTER. You are over.

Mr. RUPPERSBERGER. I am over. All right. I yield back. I will get into more detail on the second round.

Mr. CARTER. Mr. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman.

Gentlemen, thank you for being here today.

Border security is absolutely national security. Thank you for protecting America, trying to keep our communities safe, trying to stop the flow of the drugs, the human trafficking, the gun trafficking, the foreign nationals from coming into our country.



And so thank you. Thank you for doing your duty. The majority of the American people appreciate you following the rule of law and trying to protect our communities, States, and our Nation.

I had another question, I hope I get to it. I am a member of the Mississippi National Guard. I am chairman of the National Guard Caucus. And I think the National Guard, as you mentioned, is going to be a huge multiplying force for your agency and for securing the border. Our national defense, our Active-Duty military could not do anything without our Guard and Reserves. I mean, they can, but to sustain operations.

And so they are great for plug and play. So be creative on how you use them. Don't just have them guarding fences, doing fire watch, and things of that nature.

I participated in joint task force missions on the border in the 1990s, doing just surveillance, communications, using our eyes and our ears and our brains and reporting back, and so feeding you the data to hopefully make intel out of it.

#### CBP: WORKFORCE STAFFING

So with that, I would like to jump into some quick questions. CBP has two key missions: securing the border and facilitating cross-border commerce that powers the Nation's economic growth. And U.S. CBP officers are the most important border security and trade facilitation resources we have.

However, to accomplish their mission, CBP needs enough agents and officers to be able to screen cargo, interdict illegal drugs and contraband, and make arrests, while moving legitimate commerce and passengers through our air, land, rail, and sea ports of entry.

We have sat through many of these hearings together, and we know for a variety of reasons that the CBP officers are in short supply these days, which has created a national security and economic vulnerability that this Congress must address. CBP is critically understaffed and remains well below its congressionally mandated staffing levels by about a thousand CBP officers and nearly 2,000 Border Patrol agents.

So I am curious if you have given any thought to potentially leveraging the private sector to alleviate some of the manpower shortages by allowing qualified private sector security screening experts to carry out day-to-day scanning and screening functions and image analysis, which would free up your officers to concentrate on their law enforcement and oversight missions. And I will leave that open to whoever wants to answer.

Mr. MCALEENAN. I will specifically answer that question. And, obviously, happy to talk about many aspects of our hiring effort to get the right workforce out there.

We have made progress. Last year, we hired almost 200 additional CBP officers, and we expect to increase our performance this year through a number of efforts.

#### NON-INTRUSIVE INSPECTION TECHNOLOGY

But in terms of your specific question, how are we leveraging private sector assets for functions like effectively reviewing scans from Non-Intrusive Inspection technology, we are actually leveraging the private sector heavily in this area, both to provide an ability to do

an automated analysis of the vast majority of scans, that capability is increasing due to artificial intelligence techniques, but we have also been able to partner with industry.

And we are currently rolling out an integrated viewer that can combine images from a variety of different technologies, produced by different manufacturers, and present a consistent picture for our officers and analysts. You are right. It doesn't have to be an officer or an agent to review that technology. It could be an expert hired for that specific purpose or contracted out, in some cases, to do a good analysis of that image.

That is absolutely something we are pursuing. And we are going to have, if we have the appropriate specialties in our National Guard partners, we have requested support in some of those areas to help extend our capabilities as well.

Mr. PALAZZO. I mentioned to the Secretary of Homeland Security yesterday that DHS actually has a research, an experimental UAV facility at Camp Shelby, which is our Nation's largest National Guard training site in America.

And so, this is one fight. Multiple agencies are going to be participating. You all are obviously the lead agency, but we have got the Coast Guard in South and Central America trying to interdict drugs and bad actors before they make it into Mexico, into the drug and whatever, the highway. Because if it is still correct, I mean, if it makes into Mexico, it is going to make into America. I mean, the resources that they have are huge.

And I am just glad this President and this Congress and the American people are supporting us in investing in your agency, investing in your resources, which are your people and the equipment that you need to do your job and to be successful. The American people are with you.

Good luck. And just let us know how we can continue to help you do your job.

Thank you.

Mr. CARTER. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman.

#### COMBATING OPIOIDS: DARK WEB

And thank the three of you. I appreciate you being here. I appreciate what you are doing for the Nation. And please give our best to the men and women who work under you that are out there every single day for us. So thank you.

I want to focus in on the dark web really quickly, you know, with Tor servers and things like that, of that nature, of course. How are you in terms of resources and personnel and technology and training to be able to combat illicit sales on the dark web? Are you hiring graduates through the HERO program to supplement the cyber workforce? And are you piggybacking and partnering with other agencies that may have better expertise in that regard?

Mr. BENNER. Absolutely. We are very proud of the HERO program. We have offered positions to over 100 of the graduates of the HERO program. We have two classes that we will be executing on in 2018, and we thank the committee for the 10 positions, additional positions that we receive to place the HEROs into full-time positions.

Here is the challenge. These are some of our best and most passionate mission executors that we have in HSI. And it is my belief that working in the child exploitation field is not something that we should expect them to do for a long period of time. We need to develop a career path for them to serve in that cyber world in another function.

So what we would propose, and what we would like to work with the committee on, is positions such as a cyber investigator or a cyber intelligence analyst to continue to use the training that they have, which is up here, I mean they are certified forensic agents at that point, and to give them the career path to continue to serve in areas of high priority, which there is really no other higher priority than fentanyl in terms of the dark web. So that cyber investigator position, I think, would be a great career path for the HERO program.

In addition, because of the direct hiring authority that ICE has and that HSI has, we would look to expand our cyber portfolio in terms of the cyber investigator position that is a non-law enforcement, non-6C position, but a full-time dedicated support kind of investigator that could add capacity and value to the ongoing investigations in the field.

The second part, sir, which I am glad you mentioned, was the face of mission support to special agents and criminal investigators has changed. Obviously, we have gone well beyond the kind of clerk typist, data entry, technical enforcement officer to some degree. Now our agents actually need computer scientists and data scientists to work side-by-side with them when they are doing these dark web, cryptocurrency investigations, because of the sheer amount of data.

So that would be another area where we would like to come back and talk to you about what that looks like for our cyber program.

Mr. TAYLOR. Two things. And I am time constrained. But on that note, are there partnerships with other agencies that may have an expertise already that you can piggyback on?

Mr. BENNER. So we are continually—we had a great meeting yesterday with NPPD. Obviously, part of DHS, very engaged in the cybersecurity and the cyber intrusion work. They have a lot to offer our cyber program as well.

So we are continually working with assets within the Department. You talk about working together. We have launched a training program to take the dark web and cryptocurrency cyber training on the road to our State and local partners.

So we have trained over 1,200 State and local officers since the President announced the executive order on the opioid crisis back in October, I believe. That is going to continue throughout the year. We are going to move across the country and keep working with our partners.

The goal there is to build capacity and share expertise in cyber investigations and dark net investigations.

Mr. TAYLOR. One other quick thing, I think, on a note on that. Thank you. And I would love to work with you guys, if at all possible, if there are necessary authorities or the need to be able to help deal with any silos that might be there in our whole apparatus.

## COMBATING OPIOIDS: CHINA PARTNERSHIP

Last thing. You guys do a great job in places like Latin America and going past the border, of course, where the start of some of this stuff is coming, as opposed to just trying to get it when it is here, which you do that as well.

On the fentanyl and on the opioid—and, of course, like you said, the partnership that you have with the U.S. Postal Service, and what is it, three times the increase of seizures, if you will—are you talking and having partnerships or is it happening at all in China with their authorities as well to be able to deal with the fentanyl where it is coming from, in China, like we do in Latin America?

Mr. MCALEENAN. I can comment. And if Derek, to the attache there, wants to add a point.

I have talked to Ambassador Branstad about this issue. He is obviously on board with the President's focus on countering fentanyl. It is one of his top three priorities in engaging the Chinese Government.

We have seen at our level the customs-to-customs collaboration increase given the growth of e-commerce. We are sharing information, where appropriate, on illicit fentanyl distributors so that we can address that with the Chinese Government.

Mr. TAYLOR. So they have been cooperative?

Mr. MCALEENAN. Increasingly. That data increase, that 65 percent, that is coming from China post and increased electronic information sharing.

Mr. TAYLOR. Thank you.

Thank you, Mr. Chairman.

Mr. CARTER. OK. We are going to start a second round. We are going to be on a pretty tight rein on this, although I am going to give everybody a chance to go one more time.

## ICE: TARGETED ENFORCEMENT OPERATIONS

I have just a personal comment. I was sitting here thinking about the comments about when you run across somebody in a raid that has violated the law or failed to appear for a hearing. Every criminal day I ever held over a 20-year period of time, I forfeited bonds and issued alias capias warrants, pick up people who had failed to appear. And if I had ever had heard that one of my officers that answered to our court had failed to, when he stumbled across one of those people, to arrest them, I would have been extremely unhappy with them.

You can't expect people to make a choice as to which laws they are going to obey and not obey. And I think it is not even an argument that the highest no-show rate of any courts in America today are at our immigration courts. It clearly wins the world championship for no-shows. So I think it is appropriate when you run across those people who have been a no-show for officers to do their duty.

## ICE: DETENTION BEDS

I want to talk about ICE detention beds. We have been trying to keep up with ICE detention beds. I totally support ICE on detention beds. I think it is a deterrent. I think it serves a lot of purposes besides deterrence.

But we look at it, right now this would be an increase, what you propose is an 11,480-bed increase of adult detention beds. And I support your mission. And I had a number higher than we came up with in the 2018 election, but through negotiations that changed.

Now, you have developed, I think, a pretty good model. You have told us about it. Does your model indicate 52,000 beds is still a correct number? Because we had that number last time as a suggested number. Why are you confident that the associated costs are accurate for the fiscal year 2019 budget? That is important. And we need to know how much this is going to cost us.

Please explain the assumptions used to develop the apprehension numbers and whether they are still valid today. And please explain the policy changes you have or will put in place and the assumptions used to develop this number and are they still valid today.

Mr. ALBENCE. Thank you, Chairman. I appreciate the opportunity to explain our forecasting model.

We have worked very hard over the past couple of years with this committee, and especially your staffers, to help develop a very consistent, logical, transparent model to help project detention space requirements.

That is something that your committee made loud and clear to us over the past several years that we need to do a better job of, and our new model, I think, does that. It was used extensively during the fiscal year 2018 budget negotiation process, where there was a lot of requests from us for additional data.

This model is—obviously not getting into the science of it, because that is over my head—but it considers all sorts of variables, to include averages, trends, seasonality effects, looking at historical data, as well as what is happening today.

So a lot of these models—and, obviously, we built this several years ago, which is why your question is so pertinent—is that the models and what we forecast back then still holds true today, the impact of both ICE arrests, CBP arrests, the requirements that we have in order to detain these individuals before the hearing so we don't have another 50,000 fugitives added to our 540,000 backlog.

But the best part about the model is it allows us to factor in operational changes, things like migratory patterns and surges, jurisdictional cooperation, increased enforcement. So, for example, when we forecast this model 2 years ago, we had 3 287(g) partnerships. Right now we have 76. We will have 79 by the end of this year.

And not all those are even operational yet. Right now, only 40 of those are operational because they have been recently approved for partnership. They have to get trained, they have to do the background investigation on the officers.

But that is going to lead to a significant increase in arrests coming out of the Criminal Alien Program because those individuals are going to be able to screen 100 percent of the people that get arrested in those jurisdictions.

Not only that, it is a force-multiplier benefit because our own officers, our deportation officers that are right now working those jails, are going to be able to redeploy to either other facilities, to do additional at-large apprehensions, to work on things like the docket, to

move that docket along faster, and also to take people off the non-detained docket and put them back into custody so we can effectuate removal.

Mr. ALBENCE. So, yes, we expect that this number is going to put us right where we need to be for fiscal year 2019.

Mr. CARTER. Thank you.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Let me begin by saying that I agree with you and my colleague, Dr. Harris, that we should take into account the concerns of sworn law enforcement officials and respect the dangerous situations that they face every day.

However, based on the rhetoric of this administration, it seems not to appreciate the concerns that many State and local government and law enforcement officials have regarding their more direct association with Federal immigration enforcement efforts and how it undermines their safety and that of the public, which becomes increasingly more fearful of reporting crimes and cooperating with criminal investigations.

#### SANCTUARY STATES: CALIFORNIA

As you know, California has declared itself as a sanctuary State. And I would like to read the directive from the California Department of Justice and ask you to highlight where you see there are weaknesses that cause you then to go into the interior, as I understand it from Director Homan, to go after criminals as a result of the State being a sanctuary State.

The guidance states that: California law enforcement agencies can notify ICE and transfer custody of an individual to ICE if the individual has been convicted at any time of a serious or violent felony or a felony punishable by imprisonment in State prison, has been convicted within the past 15 years of certain other types of felonies, or within the last 5 years of crimes punishable as either a felony or a misdemeanor, is a current registrant on the California sex and arson registry, has been convicted of certain Federal aggravated felonies under the Immigration and Nationality Act, or has been identified by ICE as the subject of an outstanding Federal felony arrest warrant for any Federal crime.

The guidance also makes clear that California law enforcement officers must be allowed to communicate with Federal immigration authorities about the citizenship or immigration status of individuals in their custody, as required by Federal law. So, that is the directive.

So my question to you is: Where are the weaknesses in this that cause you or ICE Director Homan to say that, because of this directive, California is endangering the lives of ICE officials and the community because you are then forced to go into the communities, when it clearly states here that felons—well, I don't want to go through the list again—that law enforcement should be notifying ICE under these conditions?

Mr. ALBENCE. Thank you. First, I think it speaks volumes that the California Sheriffs' Association came out strongly against the policies and laws that were enacted in the State because they felt that it undermined public safety.

While there are some categories, as you listed, where we can get some cooperation, there are a vast number of categories where we don't get that cooperation.

Ms. ROYBAL-ALLARD. Can you highlight them? Give me a few, because I am running out of time.

Mr. ALBENCE. I can say when we do our work—again, as I mentioned, I don't want to beat a dead horse with regard to targeted enforcement—but we don't do random arrests or stops of individuals on the street. We are going after a particular individual. In order for us to do that and to obtain an arrest warrant for somebody, we have to determine two things: alienage and removability.

Part of that determination in many, many cases is going to require a personal interview. As was very public in the press and the sheriff was very vocal about it, we got turned away down 10 days in a row going to the Santa Clara County Jail to talk to people that are incarcerated that we need to make a determination as to whether or not, one, they are an alien or, two, if they are removable. So if we can't even get into there to make that—

Ms. ROYBAL-ALLARD. Let me stop you there to say that on both sides we can cite circumstances where laws or policies haven't been followed. What I am asking is, what are the weaknesses in the directive? What should be added in order to address your concerns in a way that also addresses the concerns of many of our locals like the Los Angeles Police Department and others who have concerns about a more expanded association with ICE? I am trying to find this out so that I can then talk to them and see if maybe we can find some consensus.

Mr. ALBENCE. Right. And we are not asking any law enforcement agency to enforce immigration law. We are asking for the same access to information that any other law enforcement agency should have access to. For example, we used to have access to the California gangs network. We no longer do as a result of this law. That is a huge public safety risk. We arrested over 5,000 gang members and associates, just in a year alone, not to mention close to 5,000 that HSI arrested last year. If we don't have access to information as to who is a gang member and where they might reside or who they might be with, that is certainly a safety risk for our officers, clearly, who used to be able to run background checks on an individual before they go knock on a door and know that he is a gang member. And now they are going there flying blind. That is clearly an officer safety risk.

Ms. ROYBAL-ALLARD. Primarily right now you are talking about the gang network.

Mr. ALBENCE. I mean, there are so many loopholes had in that law with regard to what we can access and the type of cooperation that we receive. I would say that the chilling effect has been on the line officers within the law enforcement agencies in California that would love to help us get these public safety threats out of their community, but are afraid to do so for fear of reprisal from their management and their agencies. That is the chilling effect.

Ms. ROYBAL-ALLARD. Well there is definitely a differing of opinion between different law enforcement agencies in California.

Mr. CARTER. Mr. Fleischmann.

## LICENSE PLATE READERS: MODERNIZATION

Mr. FLEISCHMANN. Thank you, Mr. Chairman. The CBP uses high-accuracy license plate readers, LPRs, at 650 privately owned vehicle lanes at land ports. It is my understanding that the current models are aging and soon will require replacement. This committee has instructed CBP to pursue LPR modernization, including in the fiscal 2018 omnibus.

What is CBP's plan to finally modernize LPRs at the ports of entry?

Mr. MCALEENAN. Thank you for the question and the committee's support for additional funding to modernize our LPRs. It is a critical tool not only to identify potential security threats that we need to target for greater inspection at a port of entry, but also potential risk to our officers. So we appreciate that support.

We received a significant boost in the fiscal year 2018 enacted that is going to allow us to buy new, modernized equipment and also extend the number of lanes we cover both at ports of entry and border checkpoints. We have asked for continued investment in the fiscal year 2019 budget to continue that process.

## MOBILE SURVEILLANCE CAPABILITY

Mr. FLEISCHMANN. Thank you, sir. One final question. I have been hearing increasing praise for the mobile surveillance capability. Most recently, it was brought to my attention that the MSC was deployed to an incredible extent in Puerto Rico, where it was repurposed for coastline surveillance.

Have you considered further use of MSCs for U.S. coastline or employing them against the relocateable surveillance system maritime requirement?

Mr. MCALEENAN. Yes, Congressman. You referenced a specific successful pilot we had in Puerto Rico with the MSC identifying potential small boats out to 13 kilometers and beyond. It worked very well for us. We do think it is an important tool as part of our surveillance capability overall. We can use it in other coastal environments in south Texas and California as well.

We do have investment requests in the fiscal year 2019 budget for continued MSC truck capability.

Mr. FLEISCHMANN. Thank you. And I want to thank each and every one of you all for your outstanding service to your country. You have a difficult job, difficult mission, and you have got the support of Congress. Thank you sir.

Mr. CARTER. Mr. Cuellar.

## BORDER SECURITY: CRIME

Mr. CUELLAR. Thank you, Mr. Chairman. Again, I am at a perspective, but I will ask some specific questions.

As you do your work, I just ask you to put everything in perspective in the sense that if we look at the border, it is not the way people perceive it to be. I know we have got issues, and we are working, and we want to be supportive. But if you look at the FBI stats on comparing violent crime rates on the Texas border to other cities, the national crime rate is 386.3 per 100,000. That is the national rate. If you look at McAllen, it is 151 per 100,000, which is



below the border rate. The national rate, Del Rio, is below that. Laredo is below that.

And just to pick a couple of cities, let's say Milwaukee, Wisconsin, where one of our leaders is from, the violent crime rate there is 1,533, way over the national average; or, if you look at Bakersfield, California, it is 480, way over the national rate; or—and I don't see my colleague from Maryland, but if you look at the Maryland figures also, let's say Baltimore, it is 6,619 violent crimes per 100,000, compared to my city of Laredo, 362 per 100,000.

So it is all a matter of perspective. To say that this is the fault of immigrants or other issues like that, we have just got to make sure we temper that; that we don't fall prey to emotion or prejudice that we might have.

So I just ask you, as you do your work, just keep that in perspective.

#### ICE: WORKFORCE COMPLIANCE

I would ask you a couple of things. Mr. Benner, I really appreciate that when you are looking at the I-9, it is more of a compliance. Enforcement is important but it is more of a compliance. In fact, my office is working with your office in San Antonio, Laredo and McAllen, working with the Texas Association of Restaurants and the Chambers to bring you restaurants. I think we are setting that in a couple of weeks, so I want to thank you for that education so we can make sure our businesses are in compliance. If they are bad apples, you go after them, but I think a lot of them are just trying to comply with the law. So I appreciate what we are doing in San Antonio, Laredo, and McAllen.

#### ICE: JUDGE WORKFORCE

Mr. Albence, I appreciate also, yesterday, when we were with the Secretary, I asked her, we added 55 immigration judges a couple of years ago. We added 10 last year. We added 100 now. One of the things I have asked that I asked the Secretary and she agreed with me yesterday was that we have got to get those judges to the border. Sometimes judges want to be in New York, they want to be in Chicago and big cities, but I think if you are going to have the activity at the border, you have got to have those immigration judges. We ask for judge teams to make sure we have them. I agree with you, we have got to have those attorneys from the Department of Justice and make sure we have everybody there.

The last time I talked to Mr. Homan and James McHenry, we need to get office spaces for the judges. So we are trying to get a couple judges in Laredo, a couple in McAllen, and we have got to get them to the border and not away from the border so we can provide justice.

Like you said, if a judge says you stay, you stay. If a judge says you go, then you deport them. But we have got to have those judges, and hopefully we can follow up on that conversation.

#### CBP: PORT OF ENTRY

The last point I would like to bring up, Commissioner, is what we talked about in Laredo. As you know, the committee added lan-

guage to make a proof of concept the World Trade Bridge port of entry in Laredo, which is the largest land port that we have, second in the country, after LA, total trade. LA, then it is Laredo. Fourteen thousand trailers a day.

So we have got to make sure, following the line of what the gentleman brought up a few minutes ago, we have got to make sure we have the latest technology to do that. But it is not only at the port of entry.

#### CBP: BORDER CHECKPOINTS

This is, Commissioner, where my question will come in, but also the Charlie checkpoint which is outside of Laredo. If you will look at that Charlie checkpoint, that Border Patrol checkpoint, and just look at the number of trucks, it would be the fourth largest port of entry, if you would just look at trucks.

My opinion, and I think we talked about this, the Border Patrol needs some assistance from CBP, because they are still doing things that CBP was doing 25 years ago. They are trying to stop every truck. They can't do that every time. They have canines.

We saw what happened when they had an empty truck that took 100 migrants and some of them died in San Antonio. So we have got to make sure that as we do that proof of concept, that we also look at Border Patrol checkpoints. And I appreciate your thought on that.

Mr. MCALEENAN. So, first of all, I agree very strongly with the investments and the potential for capability to facilitate truck traffic at our World Trade Bridge and also through the C-29 checkpoint up the road. I think that is one of the promises of a unified border security agency that we haven't fully realized, is that collaboration and applying the best advanced techniques from ports of entry to Border Patrol checkpoints and some of the best advanced techniques from border patrol operations back to the ports of entry. I know David Higerson and Chief Owens in Laredo are very focused on that collaboration. We have some ideas coming forward in modernizing the World Trade Bridge that can apply at the checkpoint.

I thank you for the question.

Mr. CUELLAR. Thank you, sir.

Mr. CARTER. Mr. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman.

#### CBP: TRADE ENFORCEMENT

When most people think about customs and border protection, they think about border security. But I know we would agree that CBP has a tremendous role in the facilitation of trade. For years, I have been saying I am all for or free trade, but I am also for fair trade.

Within my district, shrimping and lumber are very important industries that are impacted by antidumping and countervailing duties. Many companies that engage in unfair trade practices or attempt to get around these duties operate as shell companies, dumping their goods into the U.S. before disappearing and reinventing themselves down the road.

I am hoping you all are prepared to answer this, but I have been told that the CBP's Office of Trade is working on a project with a

number of industry leaders to evaluate the use of third-party data, cognitive computing, and big data analytics to address these challenges, as well as others identified within the Trade Facilitation and Trade Enforcement Act. I know we are in the middle of that pilot now. Is it possible anybody can provide me with an update?

Mr. MCALEENAN. Sure. I appreciate the question. Managing 4 trillion in trade crossing our borders and ensuring we address trade enforcement issues like antidumping and countervailing duties, the two industries you mentioned, are subject to a lot of evasive or fraudulent trade practices that we absolutely need to address as a team, both identifying at CBP, auditing it, and coordinating with investigative partners like HSI to take action.

You mentioned the pilot to use big data. Our position at the border requires us to collect a lot of information from a regulatory perspective, but we also serve as a single window for the other departments and agencies that have enforcement responsibilities for trade crossing our border.

So, with CBP is that single window with the automated commercial environment. That presents a great opportunity to use advanced techniques, advanced analytics, artificial intelligence to look at that vast array of data to train it to identify fraudulent practices and address it more aggressively.

So we are in the very early stages just structuring that data so it can be tested appropriately against the algorithms in the big data approach. We will come back to you and brief on the success of that. It is something that we want to collaborate closely with HSI on, as well.

#### COMBATING NARCOTICS

Mr. PALAZZO. Well, please do. And thank you for that response. I know one of my colleagues touched on it. You were talking about, although we know the seizure of drugs is up, it is also more drugs are trying to find its way into America. So it is obvious your seizures are going to be up.

But when we are discussing legal ports of entry, can you tell me what are some of your biggest blind spots? With the funding that we are providing you, how are we going to address trying to—again, my colleague said it well—incorporating technology to help identify drug smuggling and other things that are coming through our legal ports of entry?

Mr. MCALEENAN. For ports of entry and interdicting narcotics—I will focus on the land border port of entry—this is really four sources for a successful interdiction: good intelligence or investigative leads from our partners or our own targeting units, nonintrusive inspection technology that detects an anomaly in a vehicle, the canines that we have deployed in pre-primary that are very effective tools for us, and then a good officer inspection asking the right questions, looking for something that doesn't make sense. Those are the four sources.

They really find narcotics in roughly equal balance. The place that we think we can make a huge impact with further investment—and that is why the 18 Enacted is such a big deal for us on the NII, given the developments in multi-energy portal technology, we can keep a truck driver in the cab in a health-safety posture,

but then have a really thorough interrogation of that trailer. The same thing for passenger vehicles: getting a good, clean image of that passenger vehicle without slowing it down and removing the driver through portals that can scan that traffic with the travelers in it.

Expanding the percentage of traffic that we can inspect through NII is the number one next step that we think we can take to enhance our drug interdiction at ports of entry, and that is why the support of this committee has been very helpful.

Mr. PALAZZO. Well thank you for that response. And again, thank you for what you do. And please tell the people that work with you and under you that we appreciate what they do day in and day out. And their families as well. Thank you.

Mr. McALEENAN. Thank you.

Mr. CARTER. Mr. Ruppertsberger, I am sorry, Mr. Price. Excuse me Mr. Price.

Mr. PRICE. Nice try Dutch.

#### BORDER SECURITY: APPREHENSIONS

Thank you, Mr. Chairman. Let me first clarify this earlier discussion we had about the case I cited and other cases like it. This was not a case of someone not showing up for a scheduled procedure or a required hearing or anything else. This is someone who did show up.

This is increasingly what I am seeing in cases that come to my attention. These are people who do show up. They check in faithfully with ICE, under an order of supervision, and they are picked up at that point.

This seems to be something new. That is why I ask about it. It doesn't follow any plan or prioritization of danger to the community, that I can see. That is why I would appreciate any further clarification anyone can offer on this.

The case I cited is a very dramatic case, just a totally inexcusable case, I think, but I am afraid there are others like it. Let me turn to the question of border crossings and asylum.

Mr. McAleenan, I heard it said earlier that border crossings have begun to rise somewhat in the past 2 months, but it is true, isn't it, that they reached historic lows in 2017, and are still well under the peaks experienced in previous decades. So that needs to be put in perspective.

And anyway I think we need also to ask: Who are these people who are arriving at the borders? Large numbers of them, I know, are seeking refuge from poverty and physical danger in their home countries, especially the triangle countries of Central America. And isn't it true that a number of these people are seeking out CBP agents, not trying to evade them? They are turning themselves in. They are trying to claim asylum.

So it does raise the question about whether this is a question of border security at all.

What does the National Guard have to do with this? What, for that matter, does a fence have to do with this? Shouldn't we be asking ourselves how to best deal with this issue of rising asylum claims also? Before he was in this administration, General Kelly used to argue that we needed to pay attention to the conditions in

these home countries and what is driving people out of these countries in the first place.

But let's just concentrate on what happens when they get here. They are looking for an asylum hearing. And I wonder if we are dealing with that adequately. We are hearing troubling reports that asylum-seekers are being turned away under the laws. Under the law, CBP agents are supposed to register asylum requests, take the individual into custody, and then direct them to an asylum officer to assess the validity of their claim.

So here is my question or series of questions. Of the increased border crossings that DHS reported in March, how many of them are, people of the sort I have described? People who voluntarily are turning themselves in to seek humanitarian relief?

Are you confident that CBP agents have been properly trained to comply with our laws to ensure the timely and humane processing of all asylum-seekers? And, can you clarify what you think is actually happening? Can you offer assurances, for example, that people aren't being turned away or turned back without or before they receive a credible, fair screening that establishes whether they have a legitimate claim to seek asylum?

Mr. MCALEENAN. Thank you, Congressman. I will address each of those questions.

How many? In March, we had 50,000 either apprehensions between ports of entry or inadmissibles at ports of entry. About two-thirds between, one-third at ports of entry. Of those, about 18,500 were either family units or children. The bulk of those crossers were from the northern triangle of Central America, as you noted.

So it is important to note that the posture of people that we are apprehending or encountering at ports of entry has changed dramatically in the last several years versus the first 13 years of this century.

#### BORDER SECURITY: ASYLUM

We received asylum claims or fear claims from fewer than 1 percent of people we apprehended between 2000 and 2013. Now that number is averaging 15 to 20 percent. And then it goes into ICE custody, where additional asylum claims or fear claims are made. So it is a different population, as you note.

Am I assured that our officers and agents are approaching their responsibilities and following the law to assess fear claims when people present them at the border? Yes, I am, and it is something that we are focused on ensuring, going forward. This is something that we review very carefully. We have strong policies, strong training. We have accepted over 50,000 asylum claims in the last 2 years at our ports of entry.

We do hear, as you are alluding to, reports where it has not been handled appropriately. Those reports are immediately referred to our Office of Professional Responsibility, also our Inspector General, and they are followed up on and we have exacted discipline in cases where it has been substantiated that a case was not handled appropriately.

That is very important to us. That is something we need to review. People that are entitled to protections need to be able to claim them appropriately. But it is not a widespread issue. It is not

even remotely compared to the numbers that are being processed appropriately for fear.

So what is actually happening? You raise some very important points. I heard the chairman note that we have to solve this problem. The current structure of our statute and policy is not encouraging good results. It is inviting asylum-seekers to come make a dangerous journey to pay hundreds of millions of dollars to transnational criminal organizations to put themselves and their children at risk of assault, or worse, and really draining the youth and energy of the northern triangle countries that you know—that General Kelly and myself and Secretary Neilsen are committed to supporting to enhance their governance, security, and prosperity.

So this posture is not achieving good policy results either for these individuals who are seeking help, nor for their countries that need a different approach to governance and security. And that is something that DHS is committed to.

So, I want to work with you and Congress in my role, supporting the Secretary in her role, to highlight these statutory changes we need and to also continue to invest with partners in the region.

Mr. PRICE. Thank you. Thank you, Mr. Chairman.

Mr. CARTER. Mr. Ruppertsberger.

#### CBP: WORKFORCE STAFFING

Mr. RUPPERSBERGER. Thank you, Mr. Chairman. First, the administration has made it a point to secure the Southern border. The President has called for building a thousand-mile physical wall and a surge in new Border Patrol agents. However, in my opinion, what is missing is more CBP officers. Mr. McAleenan, I will be asking you these questions.

These CBP officers are essential, as there are just as many drugs moving through our official ports of entry as between them. CBP understands this. In their own workload staff model your agency stated it is in need of 2,516 additional officers.

I have witnessed this firsthand. I represent the Port of Baltimore, which is consistently short CBP officers and shippers are being asked to compensate CBP for the cost of additional overtime shifts.

Furthermore, these officers stationed at Baltimore are already working excessive overtime. And this is sincerely impacting the flow of commerce and compromising security throughout the whole country and our ports.

The Port of Baltimore is not the outlier here. I have a chart here in front of me which paints a really sad picture. In March 2017, there were 200-plus vacancies in Laredo, 250 vacancies in Tucson, and 350-plus in San Diego.

I know the committee understands the gravity of the situation. We funded 328 new CBP officers in our omnibus. However, this still leaves a nationwide shortage of 2,200 CBP officers.

The question is: Does the administration recognize that drugs are moving into this country through our official ports of entry, not just between them? If so, does the President's budget proposal request funding for only 60 CBP hires, with none assigned to ports?

And that is why I raised the issue of the National Guard, by the way. Managing is a matter of priorities. I guess an example, in

Maryland, we have 500 of our National Guard in Estonia dealing with the Russia issue. So there are a lot of priorities.

And I think if you are going to do anything, you need a plan and you need to rely on your experts. But to say one day we are going to put in the National Guard in and you have to take orders, whatever it is, you have to find a way to make sure you do it. That is why I raise the issue of the National Guard.

With the administration's favoring of increased Border Patrol agents over customs officers, it indicates the President is more concerned with intercepting people instead of drugs. I think that is wrong. I would like to know whether or not you believe what I just said.

Also, I understand you are stretched thin. But I need a commitment maybe from you, or you whatever you will get back if you can, examine this problem of the drugs versus the people. It seems we have the people thing under control at the borders. It seems that we have more arrests than we have ever had. But there are a lot of people there.

We have to pick priorities and we have to a plan and not just decide decisions based on instincts. Those are my questions, if you can try to answer them, and I would like you to get back to me on how you suggest we deal with this issue of the ports.

Mr. MCALEENAN. Great. Thank you. Do we recognize that drugs are coming through ports of entry? Yes. I think I have acknowledged that several times in the testimony and talked about some of our strategies to address that.

Are we not asking for or seeking additional CBP officers? No. Quite the contrary. You mentioned the workload staffing model. I spearheaded the development of that model when I was in the Office of Field Operations. We are submitting it every year to Congress, and we are submitting, including in the President's budget request, against, a request for fee increases to keep up even modestly with inflation for our immigration user fee and our customs user fee that would address those hiring needs.

Mr. RUPPERSBERGER. Over 2,000 jobs?

Mr. MCALEENAN. Absolutely. Just a small increase in each fee of \$1 each would have a significant benefit to additional hiring. We have asked for that every year. There is no intent to not support additional POE hiring. Quite the contrary. The Border Patrol agents are not amenable to a fee-based source for their hiring, for their work. That we do need the appropriations, and that is why you see that emphasis in the President's budget.

I am more than happy to get back in touch with you and examine this problem further. I think the committee is right to highlight the rouse for drugs, right to highlight the need for CBP officers for both security and facilitation. We agree. I believe the budget request reflects that agreement.

Mr. RUPPERSBERGER. I respect you all that there are a lot of issues out there. The Commander in Chief has a different style, but he is the President, so we have to work through that. Whatever your orders are, your orders are. If I disagree with him, I am not going, as Andy Harris said, do personal attacks. I am going to make a comment. But I am not going to try to attack him unless I disagree with his comments or his policies. But I do respect you

all. You have got a tough job, but you have got to follow orders also. Thank you.

Mr. CARTER. Thank you, Mr. Ruppensberger. One thing I want to point out, those fees are not under our jurisdiction. They fall under Judiciary and Ways and Means, I believe. It is a little problem for us.

Mr. Culberston.

Mr. CULBERSON. Thank you, Mr. Chairman. Those fees ought to be under this subcommittee's jurisdiction. I believe anything that has got a President's portrait on it ought to be under the jurisdiction of the people's elected representatives through this committee.

Mr. RUPPERSBERGER. You have two chairmen here. You ought to make it happen.

Mr. CULBERSON. I am ready.

#### BORDER SECURITY: CATCH AND RELEASE

Thank you, Mr. Chairman, for your patience. I was chairing my Commerce, Justice, Science Subcommittee hearing. And over the years that I have had the privilege of representing the people of west Houston, I have discovered that if I just make an unannounced trip to border, that is always one of the best ways of finding out what is really going on. And I can assure Mr. Ruppensberger that the human problem is absolutely not solved. It is wide open.

In the McAllen sector in particular, which I visited most recently, the Border Patrol agents that I went out into the field with—and again, this was an unannounced visit; that is always the best way to do it—we encountered a group of people immediately within a few minutes.

The Border Patrol said: We don't catch them, they catch us. These were individuals with minor children that had come up as far as Guatemala or Central America and paid thousands of dollars. Immediately they were all obviously coached on what to say. They knew exactly what to say to the Border Patrol agents to stake a claim of credible fear of persecution.

It is difficult for me to believe that some of these were actually parents with children. There was one individual about 25 years that claimed the 17- or 18-year-old with him was his son. And the border patrol agents, again said this happens all the time.

The human problem is actually one that is particularly heart breaking. The drug problem is catastrophic and heartbreaking, but human slavery still exists in this country, and trafficking human beings is a terrible problem. Unfortunately, Houston, Texas, is one of the hubs of human trafficking in the country.

So I wanted to ask Commissioner McAleenan and to congratulate you on your assignment. First of all, what is your department doing to restore the integrity of the asylum system to ensure that legitimate trafficking victims who need our help are assisted, while those who are looking to exploit the system by illegally crossing the border and pretending to be in fear of persecution are detained swiftly and removed swiftly. What is being done to end the practice of catch and release at the border?

Mr. MCALEENAN. Thank you, Congressman. I appreciate your visits to the border and your longstanding knowledge and espe-



cially your emphasis on the importance of consequences for illegal activity on the border.

Just on that note, we are the front end of this challenge. We are the border security element catching people crossing the border. You know sometimes with family units and children they are not evading capture because they are prepared, coached in some cases to request protection and to claim fear of return to their home country.

When that happens, we turn these individuals over to ICE, in the family case, for custody. And I will let my colleague speak to that. For children, ICE transports them to HHS at the start of their proceeding.

#### BORDER SECURITY: ASYLUM

Mr. CULBERSON. I found out very quickly as a part of the visit, members, that every single one of those families that sought out a border agent and caught them, they all reached their destination. They were held 48, 72 hours by ICE, but every one of them basically made it to Chicago, one was going to St. Louis, Atlanta, Miami.

They all make it to their destination, at U.S. taxpayer expense, because of this loophole they found in the system. So what are we doing to close this loophole? It is putting their lives at risk. These poor kids and these young parents had to come from Central America and Guatemala under threat of assault, rape, murder in order to get here, because they know if they come in and say the right thing, they are going to get to Miami at U.S. taxpayer expense. What is being done to stop that?

Mr. MCALEENAN. We don't have our colleague, Frances Sista from CIS here, but I will just speak to the department-wide efforts or administration-wide.

This was one of the key areas emphasized by the administration in the immigration discussion in the fall, through January, one of the main loopholes that they sought to close is to strengthen the asylum process.

What we see at that front end are a very high percentage of people reaching that initial credible fear bar and then waiting for a long time for a judge to eventually resolve that case, where there is a much lower result in terms of getting relief and getting found to have asylum. So that can be years in the U.S.

Mr. CULBERSON. Ninety-six percent of them never show up for their hearing. They are just gone. They enter the United States illegally.

Mr. MCALEENAN. The chairman made that point earlier. That is a significant challenge in the system as well.

Mr. CULBERSON. So what are you doing to address that, close that loophole?

Mr. MCALEENAN. Number one, the administration is trying to work with Congress to modify the statute. Also, with the Trafficking Victims Protection Reauthorization Act, if you are a Mexican child or a Canadian child and you come across unaccompanied, you can be returned to your country. That is not true for countries further away, including the northern triangle in Central America. So that is a key change the administration sought as well.

Mr. CULBERSON. That is exactly the right answer. Thank you.

BORDER SECURITY: APPREHENSIONS

Mr. ALBENCE. If I can just add one thing, please. Unfortunately, we are bound by decisions, whether it is a legislative decision or a court decision, with regard to our detention of the family unit.

Based on the Flores settlement agreement, we are required to release a family unit within 20 days of them coming into custody. That is why those individuals that you reference and the border patrol apprehends is probably the wrong time to use, because they are turning themselves in on a frequent basis. We have no lawful authorization to hold them longer than that 20 days because of this Flores settlement agreement. As Commissioner McAleenan had mentioned, with the UACs, we have no detention authority for a UAC under the TVPRA. That authority lies with HHS. So our role is merely a conduit to get that person from CBP or the Border Patrol over to HHS, at which point we are no longer involved in that process.

Mr. CULBERSON. The key is fixing the statute. I think we can even overturn a settlement, couldn't we, Judge, with a statute?

Mr. CARTER. Well, in the bill we tried to bring to the floor just recently, I have three provisions dealing with all three of these issues, to fix all three of those issues, as my part of the contribution. This is the number one thing that needs to be fixed, in my opinion. We are never going to stop the flow if we don't plug this hole.

Mr. CULBERSON. It is a magnet that is bringing these people in and endangering their lives.

Mr. CARTER. Believe me, a lot of attractive children are not making it to the border.

Mr. CULBERSON. That is heartbreaking.

Mr. CARTER. Does Ms. Roybal-Allard have some more questions? I think I probably should just yield the floor to her for the rest of the day. I will recognize you for one more question, at least.

BORDER SECURITY: ASYLUM

Ms. ROYBAL-ALLARD. We were just trying to figure out some clarification in terms of the asylum claims and the statistics. There is a lower threshold with the initial review for an asylum claim.

My understanding is it is lower because we want to make sure that we are making it possible for those who have valid claims to be able to go through the process and be protected. And then when it goes through the final determination, which is a higher threshold, that it makes sense then that there would be fewer people who would actually get asylum.

I guess I would disagree that that is a loophole. I think there is a real reason for the lower threshold initially and then the higher one when they get that second review.

And so if you have any actual statistics or information on that, I would appreciate if you would share it. Not at this time, because I know that we are running against the clock here, but I would appreciate if we could get some more information on that.

I also want to clarify with Mr. Albence for the record that my question regarding the directive of California's Justice Department

was really an attempt to find common ground in protecting our communities. Because my constituents and Californians as a whole also want to make sure that dangerous criminals are removed.

And I just believe that it would make a lot of sense and benefit everyone, instead of fighting with each other, fighting with the State of California, that we work cooperatively to remove individuals who are truly threats to public safety and to our country. So I just wanted to clarify the intent of those questions.

#### BORDER SECURITY: MEXICO

Mr. McAleenan, at the end of March you traveled with Secretary Neilsen to Mexico to meet with your counterparts in that country and with President Peña Nieto. Can you briefly describe what you accomplished during that trip, the challenges that Mexico faces with regards to the influx of refugees and migrants from the northern triangle and South America, and can you also comment on areas where you think we are working well with our neighbors to the south and areas where we still need improvement?

Mr. MCALEENAN. Thank you for the question. I was honored to travel and to meet President Peña Nieto, but it is actually my sixth trip in the last 12 months to Mexico to collaborate with partners.

With CBP's breadth of our mission, we have stakeholders on the customs side in a department called Hacienda, with their tax authority; with their Gobernacion, which is their Federal police, their intelligence agencies, as well as given the security role, their military, SEDENA and SEMAR. And we collaborate really across—and not to mention their agriculture department, SENASICA. So we collaborate across the interagency in Mexico.

In March, I got to sign three agreements that we had been working on for some period of time. This is an area that is working very well in our collaboration with Mexican customs. We are doing unified cargo processing at the border now. So instead of a situation where a truck would have to stop three times on its way through Nogales—outbound Mexican customs, outbound Mexican agriculture, and then inbound CBP, we are doing it once together.

One of the agreements I signed was with their agriculture department, SENASICA, to allow this unified cargo processing to be formulized from a pilot to a program because it is really reducing wait times, in some cases, 3 hours and beyond, down to 40 minutes or less, for that entire process. So it is benefiting trade between our countries and something that we want to continue to emphasize.

We also signed an agreement, both CBP and HSI, on trade enforcement. One of your colleagues mentioned the need to address dumping issues. Well, we have shared manufacturing capabilities, things like steel, in North America. We know that countries are trying to evade our trade enforcement. Seeing data and sharing it, partnering on enforcement activities and investigations with Mexico is just going to make us more effective in that area.

I want to highlight one piece that you closed on: the partnership with SEDENA on Mexican immigration, in particular. They have taken great strides in the last 5 years to enhance the security of their southern border, going from a very small effort to apprehend or return people crossing between ports of entry on their border to

upwards of 200,000 in the last couple of years. That is a big change that has enhanced the security of the region.

The more that we can align our migration policies and collaborate in North America, the more effective we are going to be, because these people are paying, unfortunately, thousands of dollars to transnational criminal organizations that are threatening the security of Mexican citizens as they cross through their country. We want to shut that down. And the only way to do it is collaboratively.

#### ICE: WORKFORCE COMPLIANCE

Ms. ROYBAL-ALLARD. Mr. Benner, ICE, as you mentioned earlier, has stepped up its I-9 audit of businesses to determine whether employees are authorized to work. I know this because a number of the businesses in my district, including one just a few blocks from my district office, were visited recently by ICE officials.

And in at least one case, the officials were accompanied by members of the press, which I don't see as an appropriate thing for ICE to do. And it also concerns me because, based on the reactions from the community, I believe that it also serves to unnecessarily scare the public and it is often misinterpreted as a raid. Our office needed to clarify that in fact it was not a raid; that you were doing what legally you were authorized to do. And part of it is also of course the way sometimes it is reported.

So my question is: Does ICE policy permit inviting the press to accompany ICE as it carries out its law enforcement responsibilities; and also, how does ICE determine which States and places of employment to target?

Mr. BENNER. Thank you for the question. Again, as Mr. Albence pointed out, HSI and all of ICE in particular, we certainly do not conduct raids that are indiscriminate or otherwise. In HSI we execute criminal investigation activity pursuant to law and they are well thought out and well planned.

I am aware that there are instances where our public affairs departments will authorize ride-alongs for members of the public or the media. I would like to take that particular instance back and then come brief you more in-depth on that particular instance and which case it was and look into it in that way.

Ms. ROYBAL-ALLARD. OK. One of the reasons that I was given was that it was an effort to show the public that there weren't abuses taking place as a result of that.

Let me just suggest there may be a better way of doing that, and I would like to work with you and with ICE on that.

Mr. BENNER. Absolutely. I think it is important to tell the story many times. I do know that in the course of our I-9 work, in one particular case it was well-documented in the media, and his agents were actually congratulated by the business owner for being professional. It was a very low key process to serve that I-9 inspection.

And we are incredibly proud of the men and women of his who execute their mission with great care, concern, respect, and with great caution to as many cases that, even in the worksite realm where we have that victim-centered approach. Like I said earlier, the exploitation of unauthorized workers is a top priority for us.

Those cases go to the top of the pile every time because those are the most egregious.

Ms. ROYBAL-ALLARD. The second part, how is that determined? How do you decide either what State or what community is going to be targeted?

Mr. BENNER. We don't pick communities or States. We pick a broad cross-section of businesses operating in a particular area. Each part of the country has targets, based on the size of their AOR and the number of personnel located there.

And we let the field, who know their areas of responsibility the best, work through what targets they are going to look at for I-9 inspections. But we also rely on the tip line. We get thousands and thousands of tips coming in from, as you would be surprised, competitors who feel that they have an unfair advantage because of their company next door that maintains an illicit business model doesn't pay the same taxes, they don't pay the same wages, they don't pay overtime. And it is hard to compete. Those two companies can't compete with each other. The company that follows the law will lose every time. So we get a lot of complaints from the public.

And so we have a national lead development center where we take a look at those tips. We try to use our intel assets to actually make them good leads before we send them to the field. That typically would be the start of the I-9 process, would be to take a look at those leads.

Ms. ROYBAL-ALLARD. In the interest of time, I will submit the rest of my questions for the record and let Mr. Culberson ask his questions.

Mr. CARTER. Mr. Culberson.

Mr. CULBERSON. Thank you. And thanks for you all's patience. I had to get through that CJS hearing.

#### BORDER SECURITY: OPERATION STREAMLINE

I wanted to ask Mr. McAleenan about the criminal consequence initiative, otherwise known as Operation Streamline, which is designed to fast-track aliens apprehended at the border to the Department of Justice to be prosecuted for the criminal offense of illegal entry or illegal reentry.

I made certain that the Department of Justice has an increase in funding to hire additional prosecutors, additional staff, additional personnel at the southern border, because it is the magnet. I don't really see it as a loophole. It is a magnet that draws these people in and they are being assaulted and murdered as they come to the United States through Mexico. If they are from Mexico, the Border Patrol agents have the authority to simply return them immediately back to the border, back to Mexico, put them back across the river.

I hope you will be able to start doing that for those that are coming up from Central America and elsewhere.

#### BORDER SECURITY: HUMAN TRAFFICKING

As I said, I like to make unannounced trips to the border. One of the trips I did that I learned the most from is I volunteered to work as a law clerk in the courtroom of Judge Alia Moses in the Del Rio sector under an assumed name. So no one knew who I was.

I worked for several days as a law clerk. And it was fascinating. I learned a great deal. The DOJ guys didn't find out who I was for about 48 hours. It was right when I became chairman of the subcommittee.

I learned, for example, that one other statutory change we need to make is human traffickers, if you are smuggling drugs, your assets can be seized. If you are smuggling human beings, you cannot seize their assets. That is a change that has to be made in the statute.

#### BORDER SECURITY: PROSECUTION

Venue needs to be changed so that when you pick somebody up 25 miles or 50 miles from the border, you can prosecute in the zone in which they are apprehended. If they are in the United States illegally, you can't prosecute them under the venue statute. We need to fix that as well, Judge.

I discovered that Judge Moses—by the way, I hope the Trump administration will consider appointing her to the fifth circuit. She does a superb job. She enforces the law, 1325 and 1326. She gives some consequence to everybody that comes in. Whether it be a week, a few days, they have got a conviction, and is able to do so in a way that protects everybody's constitutional rights. And it works.

The illegal crossings in the Del Rio sector are the lowest they have ever seen because of Operation Streamline and Judge Moses' enforcement of the law.

So I wanted to ask, Commissioner, about Operation Streamline and, if you could, update me on records that I have from a couple of years out-of-date on these, but on the number of people of those that are apprehended in each sector, what percentage of those who are apprehended are actually referred to the Department of Justice for criminal prosecution?

I remember it being a standard, when I first started looking about a decade ago, when the Judge and I first got on this subcommittee that in the Tucson sector only about 4 percent of those apprehended were being prosecuted. In the McAllen sector, about 11 percent. But in Judge Moses' sector, she prosecutes 70 percent. Anybody that is caught in the Del Rio sector is going to get prosecuted. There is going to be a consequence. As a result, illegal crossings have plummeted.

I also learned by sitting there and asking questions that the magistrate was asking questions for me, and I was typing for him as a law clerk, that these poor people were paying \$5,000 to \$6,000 apiece to get here from Guatemala; that the drug cartels were charging \$500 to \$1,000 to get them across the river and then just dumping them in the desert with no food or water. They had no idea where they were. You couldn't touch the smugglers.

#### BORDER SECURITY: OPERATION STREAMLINE

So what can you tell me about what you are doing to expand Operation Streamline to duplicate what Judge Moses is doing in the Del Rio sector up and down the entire border and what can I do as chairman of the Commerce, Justice, Science Subcommittee to

help ensure the Department of Justice is deploying resources to support your work and referring these folks for prosecution?

Mr. MCALEENAN. Let me just first thank you, Congressman, for your longstanding support for our consequence delivery system and the criminal consequence initiative Streamline. I didn't know you actually had helped Judge Moses out with some of those cases.

You noted that Del Rio is an area where we have a very high percentage of acceptance of referrals for immigration violations for prosecution.

I don't know if you saw yet a letter issued by the Attorney General directing his U.S. Attorneys to increase acceptance of immigration violations; zero tolerance memo. We will be meeting with him this afternoon on opportunities for increased consequences for immigration violations that can create a sufficient deterrent.

We have seen a direct correlation between the consequence delivery system and reductions in recidivism and repeated attempts at crossing our border illegally. We know it works. We want to apply it in smart ways appropriate for the individual that we have encountered or apprehended, but I would be happy to get back to you with in-depth data on this initiative and especially as we continue to engage the Department of Justice in improving our efforts.

#### BORDER SECURITY: PROSECUTION

Mr. CULBERSON. The prosecution rates by sector of those you apprehend. And please ask the Department of Justice what if any additional resources they need. Because fundamentally, this is a law enforcement issue, Judge. It is just a matter of letting the officers enforce the law with a compassionate heart and good commonsense to distinguish between the MS-13 member or someone smuggling guns or drugs, smuggling humans versus the economic migrant versus a young woman. You want the officers to use their good heart and their good sense.

Law enforcement works. And this is a law enforcement issue. Respect for the law. That is one thing this President is doing. Restoring respect for the law, respect for our military, and respect for the United States around the world is one of the most important things this President was doing. That is why he was elected. And we look forward to helping you, as I know you know Judge Carter and this subcommittee is committed to helping you to restore respect for the rule of law at the border.

Thank you very much.

Mr. MCALEENAN. Thank you.

Mr. CARTER. If you see a guy that looks like Culberson camouflaged out in the bushes, it probably is.

Mr. MCALEENAN. New intern.

Mr. CULBERSON. You won't know I am coming.

Mr. CARTER. We are going to conclude the hearing now. Thank you very much. Well done. Good answers. Remember, we are part of a team. Keep us informed. If you have needs, don't hesitate. Call me. Call Lucille.

We are recessed.





FRIDAY, APRIL 13, 2018.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

**WITNESS**

**HON. BROCK LONG, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY**

Mr. CARTER. Good morning, we are going to call this meeting to order, this hearing to order. We are very pleased this morning to welcome the Administrator of the Federal Emergency Management Agency, Brock Long, to discuss FEMA's fiscal year 2019 budget request.

Administrator, welcome, we are glad to have you here. I want to start by thanking you for your leadership in overseeing, not just FEMA, but the entire Federal response to the record level of disaster activity this past year. Congress has now passed three supplementals, providing nearly \$50 billion for the Disaster Relief Fund. This is for response and recovery from three catastrophic events.

I would like to hear from you today on how recovery efforts are going and what additional resources you think FEMA will need in the coming months to continue to support the long-term recovery. Fiscal year 2019 budget for FEMA is \$11 billion. The request proposes reductions to existing FEMA grant programs while at the same time requesting \$522 million for a new grant program that hasn't been authorized—at least not as yet. I would like to hear from you why you propose these cuts, particularly in the current threat environment, and what are the new grant program's intended to achieve. And I understand FEMA has also recently released a new strategic plan which outlines—give us an outline of your vision for the agency. I hope you will discuss how you plan to implement this strategy and how fiscal year 2019 requests support these efforts.

At this time, I would like to recognize my distinguished ranking member, Ms. Roybal-Allard, for any remarks she may make.

Ms. ROYBAL-ALLARD. Good morning, Administrator Long, and welcome to your second appearance before this subcommittee. The last time you appeared was on the heels of the damaging hurricanes and fires which prompted emergency supplemental spending bills. We are now eager to spend some time with you to get your perspective on FEMA's budget request, your ongoing response and recovery activities and the challenges that lie ahead.

I know this has been a difficult time for your agency. You had only been at FEMA for a few months when we not only experienced of the most damaging hurricanes season in history but the wildfires that devastated large swaths of my home State of California.

Mr. Administrator, we want to help support the efforts of FEMA's personnel, and we want to make sure that FEMA's programs are working well to support recovery efforts. This is particularly true for Puerto Rico because of the level of devastation on the island and the fiscal challenges it was already facing. We must not forget the families and other survivors who, months after the disaster, are still struggling to rebuild. And we must remember that this disaster occurred on American soil and that the people that it affected are Americans.

Again, we appreciate your joining us this morning, and I look forward to a productive discussion. I yield back.

Mr. CARTER. Thank you, Ms. Roybal-Allard. We are joined by Mrs. Lowey, the ranking member of the full committee. Mrs. Lowey, I will yield to you for any comments you wish to make.

Mrs. LOWEY. Thank you very much, Mr. Chairman. And I appreciate your having this hearing.

And thank you, Ranking Member Roybal-Allard, for holding this hearing.

And, Administrator Long, thank you for joining us this morning.

You last testified before the subcommittee last November on the hurricane supplemental request. Thank you for your hard work assisting the States and U.S. territories, many of which are still recovering months later.

This morning, we will hear your justification for the fiscal year 2019 FEMA budget request, which I find lackluster at best. You propose to eliminate several programs and to severely cut others with devastating implications, particularly to New York. For example, your budget request would eliminate the National Domestic Preparedness Consortium, which has trained approximately 2 million first responders; the Emergency Food and Shelter Grant Program, which provides shelter, food, and water for families and communities in crisis.

Your budget request would also notably reduce the National Pre-Disaster Mitigation Fund by \$61 million. As we saw in the wake of Superstorm Sandy and Hurricanes Harvey and Maria, responding to and recovering from a natural disaster often costs a lot more than investments in mitigation measures.

In 2017 alone, there were 50 major disaster declarations, 20 of which occurred after you were confirmed. We can all agree that communities need to be proactive in mitigating their own vulnerabilities, but this request in my judgment sends the wrong signal by cutting an essential program so deeply and could result in higher recovery costs to the Federal Government and communities hit by disasters.

Your budget would also threaten the safety of our communities by significantly decreasing emergency management performance grants by \$70.7 million, port security grants by \$63.6 million, public transportation security assistance by \$63.6 million, the State Homeland Security Grant Program by \$117.6 million, the Urban Area Security Initiative Grant Program by \$117.6 million. With threats of violence and terrorism on the rise, these programs are essential for terror targets like New York to help State and local law enforcement protect our communities. Simply put, our commu-

nities cannot strengthen their preparedness programs when support from their Federal partner is inconsistent or so inadequate.

Administrator Long, I look forward to a productive discussion this morning about how we can best build resiliency, mitigate the impacts of future disasters, and keep our communities safe from violence and terrorism.

Thank you again for being here today.

Mr. LONG. Thank you.

Mr. CARTER. All right, we are waiting to hear what you have to say. We do have your written report in the file, but we would like for you to give us a summation and give us what you think we need to hear.

#### OPENING STATEMENT OF MR. LONG

Mr. LONG. Thank you, Mr. Chairman.

Madam Ranking Member, thank you.

And, members of the committee, it is great to be here again today.

We are all here in the spirit of improvement and trying to find ways to make the Nation more resilient and prepared. I work towards it every day, and as I look this budget request, I realize it was not informed by the 2017 season because of the budget process. I do look at this budget as an opportunity to serve as an initial down payment on a strategic plan that I feel strongly about and the way forward that I want to talk to you about to obtain your support going forward.

Obviously, it was the biggest disaster year that we have seen in our history: 47 million Americans, 15 percent we now estimate of the population was impacted in some way shape or form. To date, I want to thank you guys for the three supplementals. It has been a tremendous help. But, more importantly, it is not that I need more money in some cases as much I need new authorities. For example, disaster recovery housing is not a well-designed program. I need more granting authorities to be able to provide Governors an opportunity to be able to control their own destiny, and I am asking for your help on that.

What we have put forward so far as a result of 2017: We have obligated close to \$22 billion from California to the Virgin Islands; \$11 billion of that has gone directly to the Commonwealth of Puerto Rico already. These recoveries are not going to be done over night. We are going to be in these communities for years as we progress through.

So we learned a lot of major lessons. As I said, I need granting authority to fix housing. We have got to continue to find ways to streamline fragmented recovery. Funding comes from 17 different agencies, not just us. And it is confusing to a Governor. HUD made an announcement the other day; it is one of the largest grants that the agency has proactively put down. But it is confusing to a Governor on how they utilize FEMA funding, HUD funding, and funding that comes from these others to do the greatest good. And I think we have got a lot of work to do to streamline our efforts to do the greatest good and ultimately build more mitigation into our recovery efforts as well.

I am also asking for authorities to increase State management costs. It is not just the grants that we need to provide to State and local governments to kick-start programs, but the management costs is probably the most beneficial tool that they can have. Right now, for example, on a disaster, we provide them 3.34 percent in management costs based on the total of public assistance dollars that we obligated. That number needs to rise to 12 percent. That gives a State the ability to hire their own force account labor or hire consulting firms to help them with staff augmentation or technical expertise that they don't currently have, because I believe that preparedness is everybody's responsibility from the citizen all the way to the Governors to the States.

And as disasters change and threats change, we cannot do it all at FEMA. We cannot continue to fund and supplement programs in their entirety. We have to have an honest conversation about, is there too much of a gap between the Federal Government and what State and local governments are doing. I'm here to have that conversation, but based on the major lessons learned that we had, based on comments of reaching out to our stakeholders—we took 2,300 comments from internal staff members and stakeholders, and I am asking the questions: What do you want FEMA to be good at? Where are we? Where do we need to be going forward in the future?

We did a trend analysis based on what we got back, and we came up with three primary goals: One, as I said before, goal one, build a culture of preparedness. We don't have it in this country. Our citizens are our true first responders. How do we open up more low to no-cost options of preparedness to our citizens? How do we provide them more training to do things like CPR? The Red Cross has a statistic that one in four of us is going to do CPR in our lifetime. Are you trained? Are you ready to go? You are the true first responder after an active shooter or a tornado.

The second thing is that I am aligning the budget and my assets to begin tackling the robust strategic plan. So, for example, under building a culture of preparedness, the \$522 million grant, competitive grant that is listed in the budget would help me to start addressing evolving issues, because so much of the grant funding is tied to the PKEMRA, to older style 9/11 traditional attacks which could happen today, obviously, but it doesn't give you much freedom to be able to tackle new evolving threats, such as soft-target active-shooter events or cybersecurity. So this would help me build more of a culture of preparedness.

The other thing about culture of preparedness is we have got to invest but also incentivize State and local governments to step up and do land-use planning and pass building codes and do more predisaster mitigation. So the cuts in predisaster mitigation, with all due respect, the amount of funding that has always been traditionally in there is not enough. It is a drop in the bucket. I am asking for a holistic fix to do mitigation upfront in a much larger amount rather than on the back end. So I am not even sure that 40, 50, or 60 million in predisaster mitigation really makes a difference when you look at the grand scheme of things of how we need to harden our capabilities going forward.

I am the biggest believer in insurance as well when it comes to staff—when it comes to people and when it comes to self-insured cities. We have got to close the gap on insurance under that building a culture of preparedness. And I want to work with you to do so.

The second goal is ready the Nation for catastrophic disasters. I don't believe this Nation is ready to go from low- to no-notice events, like New Madrid earthquakes or earthquakes in California, Wasatch, or Cascadia. And in many cases, we have got a lot of work to do and that we have to bolster State and local capabilities to do their own commodities when it comes to emergency life-sustaining commodities and not just depend on FEMA to be providing everything.

I am not so sure we are that good that we can get there right after a no-notice event, and we have to build baseline capabilities at all levels of government because that is the best way a response can work as a unified whole community effort. So, underneath that, there are things that we are looking for.

I am worried about the wall of work that is coming to my agency as a result of what we just went through. If you look back at 2017, my agency picked up a new event every 3 days. I need staff members, and we are asking for that in this budget. Underneath goal 2, we are asking for 41 staff internally because I can reimburse everybody else, but I can't reimburse my own agency. And as we pick up more disasters, I am worried about the operational capacity to respond to anything from congressional inquiries to processing paperwork to ultimately getting money out down the road. So I am asking for a down payment, in this budget to help me bolster my staff internally as well, and then maybe the next year I will continue to see the ramification of what we have seen.

And then, finally, reduce the complexity of FEMA is goal three. I am the biggest critic of the agency. I know that there are things that we can do. There are policies I want to strike down. There are things I want to clear up. And within this goal, there are specific budget requests for grants management modernization. I inherited an agency that has 10 different IT systems to manage 10 different grants. Why do we not just have one? But it takes money and understanding to how to consolidate those efforts. And I want to streamline it and make it simple, as well as streamline the disaster survivor and grantee experience.

So, Mr. Chairman, the one thing I would like to also explain is there has been a lot of misunderstanding about Puerto Rico and the recovery. Recovery has been ongoing since day one. A lot of emergency response and recovery projects are in place. I was in Puerto Rico last week, met with the Governor, and we finalized the dialogue on 428 to move forward on how to build a more resilient Puerto Rico. 428 is the best way to move forward, not just for Puerto Rico but for communities in the future, because we are giving you a budget; it is outcome-driven recovery, which FEMA has never really had. It says: How does the State of California want their recovery team to go as a result of this wildfire so that we are not back again? Governor, you know best. Local communities, you know best. So let's design that outcome-driven recovery now, up-front. Let's put the money towards it, and let's work toward that.

And if you manage that budget, Governor Rossello, very aggressively, whatever is left over, you can keep and put in and incentivize in predisaster projects that you would like to see that were not factored into the original project worksheets. Because, right now, if we attack Puerto Rico the old traditional way of attacking recovery, we would be writing thousands and thousands of project worksheets that would get reversioned year over year over year. And I am not sure that we would be working toward a common recovery outcome. So we were able to put that into place. It is not something you want to rush. It is something that you want to be very calculated and deliberate about.

And the Federal Emergency Management Agency has no incentive to see anybody fail in recovery. I do not want to be back in these communities fixing infrastructure again. We can't afford to rebuild the way the infrastructure was before the event knocks them out. We have to do better and factor in predisaster mitigation before and after all of these events.

I am here in the spirit of improvement. Thank you, Mr. Chairman. That concludes my comments.

[The information follows:]

STATEMENT

OF

WILLIAM B. LONG

ADMINISTRATOR

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE

THE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

**“The Federal Emergency Management Agency’s Budget Submission for Fiscal Year 2019”**

Submitted

By

Federal Emergency Management Agency

500 C Street SW

Washington, D.C. 20472

April 13, 2018

**Introduction:**

Good morning Chairman Carter, Ranking Member Roybal-Allard, and Members of the Subcommittee. My name is Brock Long, and I am the Administrator of the Federal Emergency Management Agency (FEMA). It is an honor to appear before you today to discuss FEMA's \$16 Billion Fiscal Year (FY) 2019 budget request and how it represents the strategic vision I have for this Agency and emergency management.

I came to the role of Administrator of FEMA with a vision to change the culture of preparedness and how we address resiliency in this Nation. The 2017 disaster season has re-emphasized the need for us to rethink how we do business.

In calendar year 2017, FEMA supported 59 major disaster declarations, 16 emergency declarations, and 62 Fire Management Assistance Grant declarations, across more than 35 states, tribes, and territories. Since August of 2017, FEMA has obligated approximately \$20 billion in Stafford Act funding related to Hurricanes Harvey, Irma, and Maria and an additional \$3.8 billion for other disaster declarations. During that same time period, over 4.5 million survivors were registered for Individual Assistance, \$2 billion has been distributed to survivors, and NFIP policyholders have filed over 125,000 claims, and the NFIP has, as of March 2018, paid over \$9.6 billion to insured survivors. During the height of activity, nearly 85 percent of all FEMA employees were deployed in support of disaster activity. In addition to the thousands of agency employees deployed, FEMA deployed more than 13,000 staff and service members from various offices of the Department of Defense (DoD). Additionally, for the first time FEMA extended the Surge Capacity Force to all federal agencies deploying over 3,800 federal employees from across the government. This level of effort for FEMA's response to Hurricanes Harvey, Irma, and Maria, as well as the California wildfires, underscores the criticality of our mission and the importance of emergency management to people and communities.

Today, I would like to discuss FEMA's FY 2019 budget request in terms of building the foundation to achieve the goals and objectives of the Agency's 2018–2022 Strategic Plan. Under my direction, FEMA has developed this new plan for supporting the United States before, during, and after disasters and improving the Agency's execution of its fundamental mission of helping people. This plan seeks to unify and further professionalize emergency management across the Nation and we invite the whole community to join us in embracing these priorities. To do this and to drive both short- and long-term funding decisions the plan established three strategic goals for FEMA:

- Build a culture of preparedness;
- Ready the Nation for catastrophic disasters; and
- Reduce the complexity of FEMA.

These goals highlight meaningful ways the Agency can focus on its workforce, simplify processes and procedures across FEMA, provide enhanced stewardship of funds, and better engage and support survivors. FEMA's leadership is committed to shaping the Agency's resource decisions going forward on achieving outcomes defined in the Plan on a priority basis.



I will discuss how FEMA's FY 2019 budget request represents a foundational investment in this testimony.

My vision calls for transforming FEMA into an Agency that is better postured to effectively assist and support our state, local, tribal, and territorial partners. Our path forward must be ambitious, achievable, and build a better FEMA and more resilient nation. Recent catastrophic disasters have informed FEMA's Strategic Plan, driving to improve internal processes, reduce risk through preparedness and mitigation, and reduce complexity. We are also committed to making efforts to buy down risk, which will help to lower the costs of future disasters.

#### Build a Culture of Preparedness

First, we must "Build a Culture of Preparedness" throughout the Nation. Every segment of our society, from individual to government, industry to philanthropy, must be encouraged and empowered with information needed to prepare for the impacts of inevitable disasters. A true culture of preparedness requires holistic engagement to build resilience and self-sufficiency. Investments for Building a Culture of Preparedness within our communities and our governments will support a national effort to be ready for the worst disasters—with that readiness being at the individual, family, community, state, local, tribal, territorial, and Federal levels.

When disaster strikes, individual citizens are often the first true responders on the ground to help a neighbor, colleague, or friend. The better prepared our citizens are to assist themselves and others in times of need, the stronger our Nation will be. The FY 2019 budget supports this theme through investments such as sustaining the FY 2018 President's Budget levels for many of the FEMA Federal Assistance grant, training, and exercise programs. Additionally, we build resilience through investments that empower and encourage every segment of society with information needed to prepare and respond. These programs provide preparedness grants to state, local, tribal, and territorial jurisdictions, and other organizations that focus on building and sustaining the 32 core-capabilities associated with the five mission areas described in the National Preparedness Goal. Furthermore, the FY 2019 budget request includes \$522 million to support a new, competitive, all-hazards preparedness grant program that would require grantees to measure results in reducing preparedness capability gaps, with robust evaluation methods.

There is a tremendous knowledge-base within FEMA, forged through the collective experience of an ever-growing number of prior disasters. However, FEMA has not always leveraged the lessons that we've learned to improve the Agency's delivery of disaster assistance. We will recommit to developing a method and system whereby we are actively learning and dynamically adjusting to improve outcomes, for FEMA and for the individuals and communities that we serve. These initiatives require that we redouble our efforts to establish a modern, interoperable, and cost-effective data management and analytics capability that enables data-informed decision making in every aspect of our mission. Accordingly, included in this budget request is \$10 million for Enterprise Data and Analytics Modernization which will put FEMA on the path to deliver swift, effective assistance, while providing more accurate and timely information to citizens, first responders, and emergency management partners. This investment is foundational to recognizing, understanding, and overcoming our challenges and integral to achieving the strategic plan and initiatives I have laid out for the Agency.

Ready the Nation for Catastrophic Disasters

Second, we must “Ready the Nation for Catastrophic Disasters” by strengthening partnerships and accessing new sources of scalable capabilities to meet quickly the needs of overwhelming incidents. The financial backbone of FEMA’s readiness to respond and recover from catastrophic disasters is the Disaster Relief Fund, or DRF, that must be postured continuously to meet consistently our Nation’s needs in times of crisis. Additionally, investing in and focusing on our skilled and experienced workforce is critical to ensure the Agency can be agile and effective when called upon.

The DRF provides individual and public assistance to help families and communities affected by declared disasters to rebuild and recover, and mitigation funds to reduce the impact of future disasters. I am grateful for the Congress’ continued support of the DRF, which has provided critical and timely financial resources that enables the Agency to deliver our mission and programs to citizens and communities in their time of greatest need.

The FY 2019 DRF budget request is consistent with the Budget Control Act of 2011 (Pub. L. No. 112-25) and totals \$7.23 billion, in addition to carry-over and recoveries. Accordingly, the DRF request for FY 2019 includes estimated costs for prior catastrophic events (it does not include Hurricanes Harvey, Irma, and Maria), a ten-year average level for non-catastrophic disasters, and funds for DRF Base activities (i.e., Emergencies, Pre-disaster Surge Support, Fire Management Assistance Grants, and Disaster Readiness and Support).

The request also includes a \$2 billion set-aside for no-notice events—natural or man-made—which should support initial critical needs of a new catastrophic event. This amount is increased from previous years because at the time FEMA was developing its request, there was uncertainty around the availability of additional supplemental funding to continue addressing the 2017 hurricanes. FEMA will continue to maximize the use of DRF resources by working closely with states, localities, territories and tribes, and through the use of its authorities and policies, including Strategic Funds Management, which is FEMA’s process for obligating Public Assistance project funding based on a sub-grantee’s schedule to execute the eligible work.

Congress proactively funds the DRF through annual appropriations in anticipation of future disaster activity. This mechanism, known as the Disaster Relief Allowable Adjustment, or more simply the Disaster Cap, was successful in decreasing the Agencies’ dependence on supplemental appropriations since it was put into place with the passage of the Balanced Budget and Emergency Deficit Control Act (as amended by the Budget Control Act of 2011 (Pub. L. No. 112-25)). Funding available under the Disaster Cap is recalculated each year based on a formula established by the Act that in part utilizes the average funding provided for disaster relief over the previous 10 years, excluding the highest and lowest years, and only permits unused carryover in the preceding year to factor into the formula. However, under this formula, the Disaster Cap was declining to levels approximating FEMA’s average annual DRF needs.

I am grateful for the Congress' work to redefine this formula as part of the enacted FY 2018 Omnibus. This revised formula will ultimately increase the funding available for disasters by adding 5 percent of the funding provided since 2012 for Stafford Act-declared disasters that was also designated as an emergency requirement by the Congress and subsequently by the President and the cumulative amount of any unused carryover in 2018 and beyond.

This revised formula will therefore include percentages of the three emergency supplemental appropriations bills recently passed by Congress that enable FEMA to continue helping citizens and communities respond to and recover from Hurricanes Harvey, Irma, and Maria. FEMA will continue to update the Congress on the recovery from these disasters.

In addition to the DRF, through our people, FEMA provides value to the Nation. The Nation's readiness depends on emergency management professionals at all levels of government. This year's multiple concurrent disasters have tested the capacity and readiness of our workforce, but have never shaken our resolve. The FY 2019 budget request includes funding to support a scalable disaster workforce that provides our team with the strength needed to face any scenario. Whether large or small, we must always be ready and equipped to meet the needs of state, territorial, and tribal partners. This request therefore includes \$14.6 million necessary to support and train FEMA staff required to coordinate effective and efficient response and recovery missions, provide oversight of taxpayer investments in these activities, and maintain a well-trained cadre of employees able to respond to ongoing and any future disasters.

FEMA's mission includes continuity of government and emergency communications. FEMA's ability to deliver its programmatic, response, and continuity missions is reliant on our ability to communicate and share situational awareness with our partners. To build resilience, continuity capabilities must be factored into all phases of emergency management. The FY 2019 budget request includes \$45.5 million for crucial infrastructure modernization projects at Mount Weather Emergency Operations Center in support of FEMA's Continuity of Operations mission. The budget request also includes \$7.9 million to modernize five Integrated Public Alert and Warning System Primary Entry Point Stations to ensure life-critical alert and warning messages from the President of the United States, and from State and local authorities reach the public as quickly as possible. Additionally, we will continue to examine FEMA's cyber vulnerabilities while working to eliminate gaps through targeted investments and upgrades necessary to ensure the safety of our networks and systems that partners rely on during disaster response and recovery. We will also focus on significantly improving redundant communications capabilities, both two-way and warning dissemination, prior to the start of the 2018 Hurricane Season.

Another lesson reinforced by recent disasters is that FEMA must maximize its collaboration with private industry and other Federal agencies to resource commodities, equipment, and personnel as quickly as possible, particularly in low to no-notice events. We will evaluate our equipment and commodities posture to determine the proper amount of supplies that we need to have ready. The FY 2019 budget request includes investments in the Logistics Supply Chain Management System which will allow FEMA to consider alternatives, such as vendor-managed supply and just-in-time delivery models to augment our capacity and to work with state and local governments to bolster their own capacity separate from FEMA. The most effective way to

deliver the needed resources to impacted communities, however, is through the pre-disaster supply chains. We must engage our private sector partners to understand their abilities and needs and determine what FEMA and state and local partners can do to support the rapid restoration of normal distribution channels.

#### Reduce the Complexity of FEMA

Third, we must “Reduce the Complexity of FEMA.” To do this we will promote simpler, less complex processes to streamline our Agency and the support we provide to individuals and communities. By improving how FEMA operates, the Agency can better care for both its employees and the individuals and partners that we support. A simplified FEMA, one that streamlines survivor and grantee experiences, provides more straightforward processes and policies for staff and decreases administrative burdens. It can also improve the stewardship of Federal taxpayer dollars and allow for a more efficient and effective execution of our mission.

The FY 2019 FEMA budget request includes funding for several critical infrastructure investments necessary to attain meaningful processes, and improve efficiencies of response and recovery during a disaster including; \$22.6 million for Grants Management Modernization to reduce the number of grant systems for grantees to interface with from ten down to one; \$12 million for our Financial Systems Modernization effort to continue the development of a modern financial system moving FEMA forward from a 20-plus year-old, antiquated financial system; and \$46.9 million in funding for the National Flood Insurance Program’s PIVOT, which will integrate flood insurance data across Agency systems (including the financial and data analytics systems) while also providing advanced modeling capabilities.

#### Looking Ahead

We continue to learn from the events of past disasters and the 2017 disaster season is no different. The magnitude of this past disaster season has highlighted the need for FEMA and its non-Federal partners to accomplish more consistent and meaningful mitigation in advance of an event, as well as, to enhance intergovernmental coordination at the state level.

In the spirit of constant improvement, FEMA is exploring how to incentivize investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs at all levels. The National Institute of Building Sciences recently published a study where results demonstrate that mitigation projects, on average, can save the nation \$6 in future disaster costs for every \$1 spent on hazard mitigation. Meaningfully reducing future disaster risk requires the concerted efforts and investments of all levels of government and sectors of our communities. By making larger investments in mitigation before disasters occur, we will build more resilient communities. It is important that we make thoughtful investments that result in meaningful outcomes. We will also explore and pursue innovative new programs that encourage our partners to invest in buying down risk and building resilience.

Finally, FEMA’s effectiveness in working with its partners during disasters is significantly improved if we establish strong relationships in advance. FEMA will explore how we can best position our staff with our state partners so that our teams are working side-by-side every day.

This close coordination will help FEMA better understand the needs and perspectives of our partners, provide greater access to our subject-matter experts, and improve programmatic efficiencies.

**Conclusion**

The FY 2019 President's Budget provides FEMA with the resources we need to help people before, during, and after disasters while allowing us to strive for our vision of a prepared and more resilient Nation. While there is much to be done toward building a culture of preparedness, readying the nation for catastrophic disasters, and reducing the complexity of FEMA, this budget request represents a down-payment towards achieving these initiatives. I am grateful for the continued support of Congress in ensuring FEMA's capability to meet our mission through the three recent supplemental appropriations acts, and I encourage Congress to take swift action to ensure FEMA and the Department of Homeland Security are funded at the appropriate levels.

Thank you. I look forward to answering your questions at this time.

Mr. CARTER. Well, thank you. We are going to go 5 minute—time 5 minutes, for everybody to know. And, by the way, I want to thank everybody for being here. It speaks well of you because this is a go-home day, and we have got a full house. I am really proud of everybody being here.

I will start off and then go to Ms. Roybal-Allard.

Congress has provided more than \$49.5 billion for the Disaster Relief Fund in emergency supplemental funding to address the requirements from last year's unprecedented disaster activity. Can you give us an update on recovery efforts for Harvey, Irma, and Maria? I have other questions.

Mr. LONG. You can't compare disasters. You are not looking at apples to apples; it is apples to oranges based on how these communities were impacted, where they are geographically located, how strong was the infrastructure before the storm, as well as the liquidity issues in the budgets and how they were managed. And so each one is dramatically different. As I said earlier, out of the \$22 billion that we have obligated to this point, and that number changes every day, up to this point, \$11 billion has been placed toward Puerto Rico and roughly I believe \$5 billion has been put forward toward Harvey. And that is largely because of the types of damages that we see and the types of infrastructure that we are trying to fix. But these recoveries are ongoing.

In Puerto Rico, specifically, I am about to become the largest employer. We have already done close to 1,500 local hires. And what we are trying to do there is not only set forward an outcome-driven recovery for what it is going to look like next. But I am having to rebuild an entire arm of emergency management at the Commonwealth level as well as the local level, which is why we are taking the initiative to do local hires. We are training them. We are qualifying them in the FEMA qualification system so that we ultimately leave a very strong and robust capability in emergency management there for years to come.

When it comes to Texas we have major challenges. We are going to go have challenges in housing in Puerto Rico, which is the most frustrating aspect of recovery where I need your help to change. We need granting authority. If I could give Governor Abbott, for example, granting authority, he could take funding from me and do housing the way he sees best. He could buy tent cities. He could do direct construction. He could buy a travel trailer. He could do a manufactured house, and he doesn't have to adhere to my bulky laws but his State laws. And he could do it much quicker and efficiently than I could. But, right now, the way it has to work is I have got to do an Intergovernmental service agreement with the Governor, and he has got to follow my bureaucratic process, which slows things down. We have got to fix it because I have never heard of a recovery housing mission that has ever sought praise from anybody, which is a real problem. There is a lot that is going on, but I have thousands of people in the field right now. 65 percent of my agency is still deployed, and it is not these four events that we are working. I am working disasters, and 35 States and local territories have been impacted this year. I couldn't be more proud of my staff and what they are going through and the sacrifices that they put forward, and they continue to serve others.

Mr. CARTER. I agree. The staff has done a really fantastic job.

But estimates for hurricanes Maria beyond fiscal year 2018 and the California wildfires were not available when the last supplemental came out.

Mr. LONG. Right.

Mr. CARTER. Do we have a better estimate for those disasters now? Will another supplemental be needed to address those needs? If so, can we expect to receive another supplemental request for funding to support these disasters? Will that request cover the entire life of the disaster for Hurricane Maria, or should we expect multiple supplemental requests?

Mr. LONG. So, right now, it is hard to project how much it is going to cost. For Puerto Rico, some of the initial damage estimates range anywhere between 40 billion and 50 billion as we start to look at the levels of damage and the infrastructure. Here, again, that number could change. As we dig deeper into the damage assessments and understand what really needs to be done to make it resilient, those numbers could change.

As far as requesting another supplemental, we are just not there yet. But I am not going to allow my agency to get too close before we have to ask for your support. So we will maintain and double down on communication to the Congress, as well as OMB, when it comes to a critical point of when we think we are going to run out of funding. And I can get you the other numbers on the other.

Mr. CARTER. If you have got other supplementals coming, which I would assume you do, but maybe you don't assume that. In that last supplemental, we had requests, and we didn't have information to give us the information we needed to see the picture.

Mr. LONG. Right.

Mr. CARTER. So, if you are going to do other supplementals, that is why I asked that question, on the wildfires and Maria, we didn't have estimates. I know that you flooded the place with people making estimates. You should have a better picture now than before.

Mr. LONG. Sure.

Mr. CARTER. I can tell you that, when I was in Houston, I was with some building contractors, and they said it is 186,000 of remodels estimated to be in Houston right now in a market that builds 50,000 to 100,000 homes a year. They can't even build the homes for lack of labor. They can't even meet goals in the home building but for lack of labor. And how are we ever going to have enough labor to do these lesser jobs? Because a framing contractor looking at a remodel and looking at a new home, there is no choice there; he is going to build a new home.

Mr. LONG. Sure.

Mr. CARTER. Makes more money off of it. It is easier because he doesn't have walls and things he has to tear out. So it is going to be a real challenge. I know it may not even be FEMA's job to direct, but ultimately those are things we have to fix. This new plan—

Mr. LONG. Yes, sir.

Mr. CARTER. And this new plan by putting it in the hands of the Governor, which—in at least my Governor, I would like to see that—it may be a good idea. It sounds like a good idea. But, you know, turning the ship of state is a slow, tedious process.

Mr. LONG. And, Mr. Chairman, you know, when it comes to reducing disaster costs, I think we need to look at the categories of damage that FEMA pays for through the Stafford Act. In some cases, I scratch my head as to why FEMA reimburses State and local governments for building and contents that could be picked up by private insurance companies. Why are we paying to fix facilities that could be insured? And that right there would save billions of taxpaying dollars and would help FEMA to further work with solid public-private sector partnerships in the insurance arena, which would reduce the need for supplemental requests down the road.

When you get to these big, big disasters, our data would suggest that paying for public buildings and contents that are uninsured or self-insured is one of the greatest expenses we have as taxpayers. And I question, why are we doing that?

Mr. CARTER. I think that is a good question to ask. And that may require some legislation at this level, and if it—as you view it, have conversations with Members of Congress about it.

Mr. LONG. Yes, sir.

Mr. CARTER. If we are going have it to write legislation to redirect things, I think that is what we do for a living.

Mr. LONG. Yes, sir.

Mr. CARTER. Well, I will yield now to Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Administrator Long, I think, in your open statement and in some of the comments you have made, to some degree, you have already answered some of the questions that I have, but I would like to ask them anyway and give you an opportunity to either add or to elaborate on what your efforts and your needs are.

Last fall, the President issued major disaster declarations for areas of California that were ravaged by wildfires. This came on the heels of several fire management assistance declarations for California in the preceding days. I understand that FEMA has already obligated \$230 million in fire management assistant grants for fiscal year 2018, and these grants are funded out of the Disaster Relief Fund base account. Is there sufficient funding in the Disaster Relief Fund base account to provide fire management grants for all eligible recipients? And with regard to the DRF base, is the budget request enough if we have a fire and hurricane season similar to last year's?

Mr. LONG. So excellent question. One, Mother Nature dictates how many fire management assistance grants we are going to have to put out. And this past year was an unbelievable year. Two, the DRF as you guys know, is dictated by the BCA and the formula that is put forward. My concern with wildfires and what we saw this year was the volume of wildfires can deplete the DRF toward the end of the fiscal year as we head into major hurricane season, which requires us to come to you for supplemental requests. Now the omnibus bill, as I understand it, did fix some of the problems that many of Governors were having problems with when there were fires occurring on Federal lands, which is not FEMA's responsibility. Our role is to make sure that a fire doesn't get out of hand and become a major disaster declaration similar to what California was impacted by.



And I think that the insurance industry looks at California as probably the worse wildfire on the globe that we have ever seen. It is one of the most disturbing events I have ever been a part of.

Ms. ROYBAL-ALLARD. The supplemental appropriations bill for the hurricanes provided up to \$4.9 billion for disaster loans. These loans would help local and territorial governments with the costs associated with operating their governments given that they are facing lost revenues. In addition, \$300 million was provided for making loans to Puerto Rico and the U.S. Virgin Islands to pay for the non-Federal cost share of projects. My understanding is that the progress on making these loans has been disappointingly slow. I understand that, to date, only \$54 million in loans have been made to municipalities in Puerto Rico. I have three questions here. Can you update us on the progress of these loans and why the application process takes so long? And for Puerto Rico, are FEMA and Treasury working on a long-term estimate for the need of these loans? And going forward, will FEMA and the Department of Treasury be able to ensure these loans more rapidly—issue these loans more rapidly.

Mr. LONG. Yes, ma'am. Thank for the question because there is a lot of confusion around this. Yes, FEMA does administer the community disaster loan program. And not to belabor this point, but because of the liquidity issues that we were facing in the Commonwealth, Treasury proactively and rightfully has stepped in to help us understand the situation including how much liquidity Puerto Rico government actually has. It is my understanding that when Puerto Rico's budget reaches a critical low point of \$800 million, then the loans can begin to be placed and Puerto Rico can draw down against them. So that was basically what the deal between Treasury and the Governor was worked out in Puerto Rico. But I can come back in writing for specifics.

Ms. ROYBAL-ALLARD. OK. I would appreciate it.

Mr. Chairman, will we have time for a second round?

Mr. CARTER. I don't know yet. We have several—

Ms. ROYBAL-ALLARD. OK. Then I will anticipate we do and yield back.

Mr. CARTER. Mrs. Lowey.

Mrs. LOWEY. Thank you very much.

And thank you for your presentation.

Administrator Long, I understand that FEMA and the Department of Homeland Security are looking to change the way risk is calculated for metropolitan areas. This could impact the allocation of grant funding in both the State Homeland Security Grant Program and the Urban Areas Security Initiative. I am aware that the threat is changing, and we need to take that into account. My concern is that, rather than relying on a robust analysis of threat, vulnerability and consequences, the risk analysis will be tweaked to fit what is only a perception of the evolving threat. That would defeat the purpose of having a rigorous risk methodology at all.

So has any independent third party, outside of FEMA or Department of Homeland Security, looked at the proposed changes to the risk methodology? And do you think it might be valuable to have an independent review from the GAO or some other source of expertise before you change the method for calculating risk?

Mr. LONG. Sure, and, ma'am, I really appreciate the question as well because I don't want FEMA doing anything in a vacuum that becomes detrimental to anybody. I am a believer in doubling down on communication. When it comes to third-party review, we typically rely on reaching out to the National Emergency Management Association and the International Association of Emergency Managers. I don't have a problem with engaging GAO because we want to do this right.

The problem with the grant system is that I don't think the Federal Government has ever done a good job of measuring return on investment and I don't believe that the old risk formula was actually a formula at all. And so we have to be able to build a defensible formula that allows numerous communities access to funding to help them kick-start recovery.

When it comes to cost share and grants, I don't believe that it is FEMA's place to fully supplement a program through its cradle-to-grave lifecycle. I believe that State and local governments need to have skin in the game. And I believe that these programs should be designed to kick-start initiatives and help communities to graduate their budgets to be able to continue going down the road of a robust program in the future.

Mrs. LOWEY. Well, I think that is an issue that is really critical that we work together on.

Mr. LONG. Yes, ma'am.

Mrs. LOWEY. I understand your point of view. And in some instances, I would agree; and some, I probably would not.

I just want to mention one other program, the nonprofit security grants in the State Homeland Security Grant Program. When Secretary Nielsen testified before this subcommittee, I asked her about a new grant program I fought to include in the most recent omnibus. Funding to nonprofits located outside of areas designated for the Urban Areas Security Initiative really help those organizations improve security at a time when hate groups are on the rise across the country in communications large and small.

According to recent reports by the Southern Poverty Law Center and the ADL, neo-Nazi groups grew by more than 20 percent in the past year. Anti-Semitic incidents rose by more than 90 percent in New York in 2017 alone. And that is why I was so pleased to hear Secretary Nielsen state her intention to focus DHS' efforts on hate groups widely, including white supremacy groups. This \$10 million in funding will really help organizations like some of those in my district proactively combat the changing face of hate, threat, and violence.

Can you tell us when you expect the grant notice to be released? And when do you think the funding will go out?

Mr. LONG. I don't have an answer on the timing. We will definitely follow back up with you. But I would agree that this money, the nongovernmental organizations that are active in disasters, are incredibly important. They are one the most important pillars in the whole community, and we depend on them. We specifically depend on them to do things that we are bound by regulation that keep us from being nimble in some cases. So we look forward to putting this money to work, and we will get back to you on the timeframes.

Mrs. LOWEY. Thank you very much.

Thank you, Mr. Chairman.

And I want to thank you for your presentation. You seem so well informed, and we are very honored to have a person of your caliber take on this responsibility. The chances—the challenges are just incredible. And I know we discussed Puerto Rico, so I won't bring that up today. But I hope you really stay on it because the tragedy was overwhelming. When you are up in that helicopter and you see all the homes without roofs and the electric grid and the water and the food and the jobs. So thank you for your leadership, and I hope you really stay on it. And don't forget St. John's as well.

Mr. LONG. Thank you.

Mrs. LOWEY. Thank you very much.

Mr. CARTER. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman.

And, Administrator Brock, we appreciate you and your service. And please give our best to everybody that is under you. I know that they have a very challenging environment to work with, as you do you, lots of challenges. I am very happy to hear some of your comments about streamlining the agency and also I do want to touch on Puerto Rico just briefly. I was just down there last weekend in Orocovis and understanding that, as we talked about just a little earlier, about deterred maintenance and some issues with Puerto Rico themselves have had that were not prepared, if you will. But, obviously, we still have to go down there and help out to make sure that we are doing everything we can to make them more resilient and have a more robust system.

So one of questions that I have: I was speaking with the mayor down there in Orocovis, and he was—it is my understanding that the municipalities will spend their money, of course, to fix infrastructure and then get reimbursed. However, they don't have a lot of money, right? So they sort of then run out, and it is not fixed or finished, and we have another upcoming hurricane season. I am curious: What is happening to make things more efficient? Is there a way to do so to make sure the infrastructure is fixed before the next hurricane season?

Mr. LONG. So, Congressman, great question. Just be honest, there is no way we fix the infrastructure before the next hurricane season. I can tell you that we are proactive when it comes to the money management and kick-starting the projects and making sure that project worksheets are being estimated and the work being done. We are embedding staff with the 78 mayors. We have embedded staff a long time ago to be able to work with them directly to navigate.

But we are in the train-the-trainer process as well, as I said earlier, with the 1,500 local hires, or approximately 1,500 local hires, that we have done. And that is my army going out and basically helping these jurisdictions navigate.

When it comes to the infrastructure, we have to remember, for example, a lot of the power grid wasn't functioning before the storm. You guys gave me the authorities to fix that. We are putting temporary roadway systems in until roads can be rebuilt. So we just have a long way to go. We are going to be there for years.

Now what we are doing to get ready for hurricane season: We are rewriting emergency operation plans for all 78 jurisdictions. We are also rewriting plans for the Commonwealth. On June 14, all of our efforts to write the plans, train upon the plans, is going to be exercised on June 14 with a full-scale exercise. I am exponentially increasing the amount of food, water, and supplies that we have on the island. And then we are going to run through plans of distribution for commodities, and the commodities that we were allowed during the exercise, we are going to allow the 78 municipalities to keep the commodities so they can build their own levels of preparedness on a daily basis.

Mr. TAYLOR. One quick thing on the efficiency of reimbursements for the locality so they get money back to be able to do what they need to do locally. Is that being looked at I guess?

Mr. LONG. Yeah.

Mr. TAYLOR. To make sure they get reimbursed faster.

Mr. LONG. Right. And in some cases, we may be entering into what are call expedited processes to be able to get funding to them if there is liquidity issues or the lack of funding. We did that in Texas. We did it in numerous locations across the country, but I would be happy to respond to you in writing on how we are actually managing the money processes at the local level.

Mr. TAYLOR. One quick question, is FEMA looking at new technologies to help with disaster relief to get things, products faster? For example, you mentioned housing, things like 3D printing housing and things like that?

Mr. LONG. Excellent question. So, under the third goal of reduce the complexity of FEMA, there is \$124.6 million ask in the fiscal year 2019 budget for specifically critical infrastructure and analytics investment because we have got to do a better job of understanding the interdependencies with our own agency but how we interact with the 16 critical infrastructure sectors to make sure that we are making the right decisions and putting money down in the best way we can.

Mr. TAYLOR. I appreciate it. One more last thing, under the administration, politically there has been some hits, of course, about reducing programs that have been helping with things like sea level rise. So, in coastal Virginia, Hampton Roads, that is an issue. Regardless of what you think politically how it gets there, we have soundings, and so there is sea level rise. So, in terms of resilience and helping communities, is that something—let me also say there are a lot of programs in the government that need to go away that are well-intended but may not work well. In your mention of a culture of preparedness, are we also working with resiliency in areas like Miami and Hampton Roads and Louisiana for sea level rise?

Mr. LONG. Sure, so I had a conversation the other day with a very talented forecaster from NOAA by the name of Chris Landsea, and we were discussing that the ocean seems to be rising 1 inch every 10 years. Obviously, we have to start accounting for that. And our strategic plan embodies this. So that is why I am asking for predisaster mitigation, a real mechanism to do predisaster mitigation upfront that we are not having to negotiate or it doesn't get zeroed out every year by every President that goes forward or whatever, that there is a mechanism to help communities start to

elevate roadway systems and infrastructure in anticipation of sea level rise.

The other thing is that FEMA can't stop sea level rise; that would be the equivalent of us saying we are going to stop plate tectonics as well and halt all the earthquakes. What we can do is we can ready the Nation for catastrophic disasters as well. We anticipate that over 30 percent of the flooding that we see across the country is because of the built environment, the newly built environment and the way we are expanding without proper land-use planning and building code.

So there are a multitude of things that we have got to start putting forward. And I believe disaster resilience is in the hands of the State and local governments to pass those land-use planning laws and building codes. My agency gets to deal with the consequences or the lack thereof.

Mr. TAYLOR. Thank you, Administrator Brock, I appreciate it.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman.

Welcome, Administrator Long. Happy to see you back here at the subcommittee to congratulate you on your good work and also acknowledge a fellow North Carolinian. I hope you still claim that.

Mr. LONG. Heading there today. Maybe I can ride with you.

Mr. PRICE. All right. Maybe so.

Well, speaking of that, I have only one shot here, but I do want to ask a couple of questions, and hopefully we can deal with both of them because they have to do with part of your broader support system: the national service volunteers who are playing an increasing role in disaster relief and recovery, and then the work at the center at UNC Chapel Hill, the Coastal Resilience Center, which I understand you are going to be addressing on Monday, which we are very glad to know.

Mr. LONG. Yes.

Mr. PRICE. Both of these are problematic in the President's budget, which is a nice word for being zeroed out so that is why I bring them up. And I want to ask you about the value of these aspects of your support system.

First, national service. You know very well that all hands on deck are required as a North Carolinian and now in your national role. Volunteers are often a crucial part of the response and recovery. We did form a new national service unit, the FEMA Corps, in 2012. I understand that something like 4,000 national service volunteers were involved in 2017 alone in relief and recovery efforts. They act as force multipliers. I am going to ask you actually to describe what they do. What do these volunteers do to extend the reach of emergency relief and help ensure the long-term recovery of communities? Why on Earth would the administration zero out national service? Are there any other barriers that exist to volunteers that Congress should address? But I am co-chair of the National Service Caucus. I have seen this firsthand in North Carolina, and so I am baffled by the budget, but I am also, of course, encouraged by the support that they have increasingly—volunteers have increasingly offered in our national recovery capacity.

Mr. LONG. Sure. Obviously, taking this job, I became Administrator in a very tough budget environment. And, unfortunately, cuts have to be made here and there. And I have got multiple training facilities. Like when it comes to universities, I would love to be able to fund a ton of programs, but I also have EMI; I also have the Center for Domestic Preparedness, which are very expensive institutions dedicated to training. I need to concentrate somewhat on my own shop within FEMA.

And then, when it comes to FEMA Corps, FEMA Corps is a great program. The bottom line is that it provides a jumping on point for people to get involved in emergency management. And we make a concerted effort to hire those who have gone through FEMA Corps into the disaster corps positions or PFT positions as they come available where we can. We try to do that. But, Congressman, tough calls have to be made. It is not just providing money to State and local governments. I think 2017 should be a reflection point for State legislatures and local elected officials to reevaluate how much their staffing and funding their emergency management programs. I cannot continue to supplant them in their entirety.

And I will go back to my experience as director of Alabama Emergency Management Agency. My general fund budget was somewhere between \$5 million and \$7 million to run a State emergency management agency. During the height of the 2017 season this year, FEMA was spending that in a matter of an hour. So I am spending \$300 million a day at the Federal Government level, and literally, that is a general fund budget of a State agency is spent in less than 2 hours. There is too much of a gap.

And I am also trying to combat the fact that there is a reduction in grants, which makes up most of the budget cuts, by introducing what we call FEMA integration teams. I am ready to take the staff that I have out of my regional offices and out of headquarters and move them into the State agencies which we are embarking on this week. We are beginning to phase this out to where we are putting full-time staff in State agencies to be a part of the discussion every day but to also to help them overcome the planning gaps that they may have when it comes to staffing as well.

So it is not just funding. It is getting my people out, but also, as I said earlier, the greatest thing that Congress can do to help the States is increase the management costs from 3.34 percent to 12 percent. And we can use disaster relief funding to help them augment their staff and capabilities. We can't just singularly look at grants. What are the multiple tools in the tool box that we can collectively provide to States? And that is the way I approach this job.

Mr. PRICE. Mr. Chairman, I know my time has expired, so I am going to ask the Administrator to submit for the record a direct answer to my question about the role of national service volunteers in 2017 and otherwise and also to answer the question I was going to ask had there been sufficient time about the role of the Coastal Resilience Center.

Mr. CARTER. I will yield you that time.

Mr. LONG. OK.

Mr. PRICE. Thank you. Let me just ask directly about that, if you have—submit whatever you want to about the national service.

Mr. LONG. Yes, sir.

Mr. PRICE. You really didn't address that.

And then this Coastal Resilience Center, as I said, you are going to be there on Monday. I am sure you will be thanking them for what they have done. It is my understanding their storm surge modeling played a large role in FEMA and the Coast Guard's decisions about where to place people and assets during Hurricanes Harvey and Irma. I wonder if you could elaborate on that. And any of this, of course, you could elaborate for the record. Tell us more about the importance of the center's work, and what are your thoughts about eliminating all of the funding for this?

Mr. LONG. So Gavin Smith, who runs the program, is a good friend of mine. He is a very smart mitigation-minded subject-matter expert. The bottom line is it boils down to, here again, it is a tough budget environment. Should FEMA be funding universities? And how many of these programs should we fund nationwide? Or do I need to concentrate on working with our partners? NOAA also does storm surge modeling that we depend on.

Mr. PRICE. If that is the case, let me—my time is limited—if that is the case, if this is duplicative, if the work of the Coastal Resilience Center really is not needed, then you need to document that.

Mr. LONG. I am not saying it is not needed. I am just saying, for me, I can't fund it all.

Mr. PRICE. Is it redundant?

Mr. LONG. I don't know enough about the program.

Mr. PRICE. Well, I think somebody should look at this. I mean, this is siloed. It looks to me like it is siloed, and you are talking about budgets that aren't directly in your purview, but it is certainly budgets you should care about. And it seems to me, if you care about it, if it is important to your work, you should say so. We need some assurance that, within the administration, these conversations are going on and that functions that are critical to something as important as the work of FEMA, that those are highlighted and that, if there is something that we can safely eliminate, then we need to have the rationale for it.

Mr. LONG. Right. I am not at a point to tell you what should be eliminated against at this point. I am going there to learn, to be honest. And I appreciate everybody that is trying to put forward better information to FEMA, and we have to be able to utilize it. But, here again, I only have so much funding, and I have to make hard decisions, and we have to make hard decisions. So I would be happy to respond to you in writing once I learn more about the Coastal Resilience Center, I would be happy to respond in writing about what we found.

Mr. PRICE. Good. I will appreciate that. And also a response in terms of more specifics about the national service input.

Mr. LONG. Sure.

Mr. PRICE. Thank you very much, Mr. Chairman.

Mr. CARTER. You are welcome, Mr. Price.

Mr. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman.

Mr. Brock, thank you for being here today. I have known several FEMA Administrators, and you seem to be one of the best ones

that I have heard explain your agency, so thank you for your honest and clear answers.

Real quick, I am from Gulfport, Mississippi, Mississippi's Fourth Congressional District. One thing you can relate to that is Hurricane Katrina. We were ground zero, and we took it right on the chin. And it took almost a decade for us to be comfortable in our recovery. The one thing the Gulf Coast, and not just in Mississippi but coastal areas, any place that lives on or near the water, which is practically the majority of the population in America, relies on insurance, the NFIP program. In Mississippi alone, it is 64,000 NFIP policies.

Mr. LONG. Right.

Mr. PALAZZO. In 2013, Congress tried to improve the NFIP program only to basically cause a lot of unforeseen problems, and with that was the drastic rate increases on homeowners who, at no fault of their own, were in NFIP program because it was a government program, and it was the only insurance available. Overnight, they were going to see their rates go up double, triple, quadruple, and that was a big concern. And Congress acted swiftly. I think the term was "unintended consequences" is what many of us used on the floor. The bill was tied to some other things, like the RESTORE Act, which was the delivery of the penalties from the BP oil spill, and a 2-year surface transportation extension. And so the fact that we were going to find a longer term solution to NFIP, the reauthorization, because prior to, there were 16 or more short-term reauthorizations, and, obviously, those reauthorizations and the fear of it expiring, and you can't get a mortgage if you are required to have flood insurance. So it was affecting homeownership, home building, economic development, just uncertainty and instability of the market.

Now guess what? Fast forward, you know, the House has passed a bill which is impassable. It has some good reforms. There is no way it will ever pass the Senate because it is going to increase rates on homeowners, and it is going to cause, again, market disruption. But, you know, we are for moving as much of this to the private sector as possible, but there is not a private sector market right now in many areas.

And so I guess the thing is, can you kind of tell me, has the fact that we haven't reauthorized the program—it looks like we are constantly searching for must-pass legislation to attach even the short-term reauthorization to—is that having any effect on your agency right now?

Mr. LONG. Well, thanks to Congress, those supplementals helped us in debt forgiveness right off the bat. Every time we have a massive event, it gets to a point where FEMA can't even pay the interest bill anymore on the NFIP program. And so we need to make the NFIP program financially solvent. I don't have all the answers on that, but sometimes I think we may be attacking it in the wrong manner.

For example, any house the United States can flood. Why are we solely focused on these flood zones? And what we learned from Harvey is thousands of homes can flood outside of those zones that were not depicted in there, particularly if street drains are not well



maintained or the built environment changes the flood zone quicker than the mapping changes. And so every house can flood.

Until there is a legislative fix, I am working and my mitigation guys are working with the private industry through reinsurance, and I believe that we have offset some of that cost and saved taxpayers over \$700 million most recently with getting them to back us up through reinsurance.

The thing about NFIP and what runs through my mind, and we would have to talk to the private sector to start dialogue, but why is flood insurance not connected to every insurance policy in America? Why is there not an all-hazards insurance policy every time you buy a house, and so you reduce the cost? You spread it out, and it becomes more affordable. I don't know why we have to have this a la carte system of you have got to have fire insurance that you can let lapse if you paid off your House; you can choose or not to choose to buy NFIP flood insurance if you are outside a special flood hazard zone. Why are we not working with the private industry on a more innovative solution of saying, can we get to an all-hazards-based insurance package for a homeowner?

Mr. PALAZZO. All-hazards, sounds good to me.

I want to be very sensitive with my time. It is a fly-out day. Thank you, Mr. Brock.

I have several questions related to mapping on the Mississippi Gulf Coast compared to my neighbors in Louisiana and Alabama, and I will submit those for the record.

Mr. LONG. Thank you. All right.

Mr. CARTER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Thank you. Thanks for being here. We have a lot of people who we ask questions, but it seems to me you are pretty well respected, and it is based on your actions. You know, a good manager is only as good as his team too, so I am sure you have a good team.

You know, you are one of the most important agencies, I think, in the government because you protect the American people and our critical infrastructure from a host of evolving threats. It is one of the only agencies which the public hopes they never have to deal with. When you see a FEMA van or tent, you know something tough or terrible has happened. However, your lifetime, facing tragedy—and, in fact, we basically saw that severe tragedy. As you said, last year was probably the worst year you think FEMA has had. Is that correct?

Mr. LONG. I would argue yes.

Mr. RUPPERSBERGER. OK. During this time, FEMA—I think you delivered 138 million meals, 194 million liters of water, and 1,310 generators to power critical facilities supporting survivors impacted by the four major hurricanes. And while improvements can always be made, I think your agency should be impressed with this good work.

Now, I want to just focus on one issue today, and that is port security grants.

Mr. LONG. OK.

Mr. RUPPERSBERGER. I represent the Port of Baltimore, and I have been involved in a lot of port security issues and reports on that issue. I am discouraged by the administration's deficient fund-

ing request for the Port Security Grant Program. This program was included in the original Department of Homeland Security authorization. And in my eyes, this is clear evidence that Congress recognized the urgent need to secure our ports.

Each year, America's ports generate 4.6 trillion in revenue and employ 23 million people throughout the country. And now, with the expansion of the Panama Canal, we can only expect to see even more of an increase in that area.

The bottom line is that the economic impact of sea ports cannot be understated. According to the Brookings Center for the 21st Century security and intelligence, it would take a small attack on our ports to grind U.S. commerce to a halt within days. Thus, the need for port security cannot be understated.

For this reason, we need to protect our maritime infrastructure. The Port Security Grant Program assists both large and small ports with chemical, biological, nuclear, and explosive detection. And funding can also go towards bolstering cybersecurity capabilities and implementing transportation worker identification credential card systems.

My question is—I have three. First, in your opinion, do you believe that the Port Security Grant Program has been a valuable tool in combatting terrorism? To me, a cut to this program implies that our ports have shored up all of their vulnerabilities. I assume you don't believe that is the case. And, three, do you believe our ports are being built for resilience against rising sea levels and severe storms which are increasing in intensity and frequency?

Mr. LONG. Right.

So, when it comes to port security, it is my understanding that we spent quite a bit of money through grants to build a baseline capability. And what we don't do a good job of in the Federal Government when it comes to the return on investment is, what point do we build that baseline and have a handoff to the port authorities and to the State and the local governments, and should grants start to graduate and reduce overtime as we build a baseline capability? Or do we just keep continuing to grow this budget and I become the person that supplements these grants in entirety. And then what happens to tomorrow, as the threat changes, I have got to find new money to address this problem or that problem. And I think that this is one of those grants where we build a tremendous capability. But where is the handoff to? You know, and I am fairly asking the question. Where is the handoff to the port authorities, to the State and local governments? And as well as the private sector that uses those ports as well?

Mr. RUPPERSBERGER. Well, in my opinion, it is based on which port, the management of the different ports. But that is why, in the beginning, I talked about how important port are. Trillions of dollars, I mean, just a shutdown, when we had, I think, a strike at the port in California. I mean, this is a tremendous industry with a lot of vulnerability, a lot of drugs coming in.

We had, yesterday, we talked about how we—I don't think any port has the manpower to deal with the drugs that are coming in, especially Fentanyl. So I would suggest that you look at it, and you need to manage where the money is going. But I think the Federal Government has to step in when it relates to ports.

Mr. LONG. Sure.

Thank you, sir.

Mr. CARTER. Mr. Culberson.

Mr. CULBERSON. Thank you, Mr. Chairman.

Administrator Long, we really appreciate your work, especially appreciate your clearly earnest and sincere desire to get the money out the door as soon as you can, to front-load the funding for disaster victims, to put it in the hands of property owners who are going to take the best possible care of their own property. Get it out in the hands of Governors and local authorities is the right way to do it.

I am convinced that your approach and your attitude lies at the heart of the reason that Donald Trump was elected President because people feel the government is so badly broken that they elected this guy from outside of the entire process as a businessman to just get 'er done, get things fixed and done. They just want action and decisive action.

And I would encourage you, as someone who served—I started in the Texas house, and I served here in Congress and know that if a law is maybe a little ambiguous or seems to leave you an opening, just do it. I mean, get to yes. I have heard you say that before. We had a very good meeting. Governor Abbott and I came in to see you. And I know that you have instructed your staff on repeated occasions: Don't tell you the reasons you can't do something; tell you the reasons you can do it. And I encourage you to just be bold and assertive and to get to yes. And if the law looks like it is ambiguous or gives you an opening, just do it.

You have been terrific when it comes to requests that we, as Texans, have submitted to you. When I have asked you to extend hotel stays for disaster victims, you have done so; increase the Federal share for debris removal, you have done so; concur that extreme circumstances existed so contracting could be expedited, you did so.

But there are a couple other really small fixes that you have got authority right now to do that would make a dramatic difference for homeowners who—thousands of whom are living on the second floor of their homes in my district with all the sheetrock torn out on the first floor. And they have over their—because there have been times they were denied rental assistance. And if you go to the FEMA website and log on—to the fema.gov website and ask what specific items are covered by housing assistance, it tells you that this housing assistance includes reimbursement for short-term hotel expenses, money to rent a place to live for up to 18 months while your home is being repaired. And an immediate question a homeowner has, Administrator, is, does my income matter?

Well, the law says, no, it doesn't matter. And, in fact, your website says that. Question: Does my income need to be under a certain dollar amount to qualify? Answer: No. FEMA's housing assistance program is available regardless of income to anybody who suffered damage or losses.

But that is not the way the bureaucrats and FEMA are administering the program. They are denying rental assistance to thousands of my constituents who have sunk all their money in their home. They are not wealthy. They have got kids in college, a mortgage that they are still paying on a home that is flooded out, and

having to pay rent in a lot of cases to stay in the school district, and a lot of expenses, and they are being denied rental assistance. But you have got the authority, literally, to just change that and comply with what is on your website.

Would you please do that? And how quickly can you could that?

Mr. LONG. So, Congressman, as we spoke the other day—

Mr. CULBERSON. I have been on you about this.

Mr. LONG. No, no, no. And I appreciate it because I wasn't aware of the issue until you raised it. And so, you known, the bottom line is, is it spawned very deliberate conversations. And we are actually going to be entering into the rulemaking process to look at a whole host of, why do we put these ramifications on assistance to begin with, right?

Mr. CULBERSON. But you could do this.

Mr. LONG. Some of it, yeah.

Mr. CULBERSON. Don't get lawyers arguing with each other; just do it. Just get 'er done. That is what this election was about. The American people voted to get 'er done, right? Please.

Mr. LONG. And I will continue to work with you. And I appreciate you raising the issue.

As you know, I am always in a rock and a hard place when it comes to being deliberate and understanding. That policy that was put into place, as a result of the 2001 terrorism events in New York. And I am trying to understand why, and I am trying to understand what the ramifications are by moving it. But we are trying to move it as quickly as we can. And I will stay in contact with you.

Mr. CULBERSON. Now, you are a bold, decisive person. I can tell you are letting the lawyers discourage you and slow you up. Don't do that. It is clear as a bell. Just go for it.

This Hazard Mitigation Grant Program is another one that I am concerned about. As I understand it, the State of Texas will receive 1.1 billion in FEMA Hazard Mitigation Grant Program funding this year. But as you know, this funding is awarded to the States on a formula basis after a presidentially declared disaster impacts an area.

Administrator Long, could you describe, please, how these programs—what types of projects these funds can be used for and how quickly this money will flow to the State of Texas? And what role does FEMA play in approving the projects recommended by the States? And what kind of projects have been proposed so far? And what have we done to speed it up?

Mr. LONG. I don't know what they proposed so far. But the HMGP postdisaster mitigation program is based on a percentage of public assistance dollars, I will get you the exact formula. I think it is like 15 percent of the public assistance dollars that we put forward in a disaster becomes available in postdisaster mitigation. The cost share on that is set by the Stafford Act at 75/25. So I don't have any authority that I am aware to be able to waive that 25 percent.

But, going back to States' rights, the Governor is in control of that response and recovery. And so what my job is, is to make sure that we are helping Governor Abbott to meet his mitigation recovery goals.

Mr. CULBERSON. That is what we want to hear, because Texas can move a lot more quickly.

And, Mr. Chairman, if you will permit me, since we just got this one round and we got so many folks out there hurting, can I ask very quickly about the DALHR Program?

Thank you, sir.

The Direct Assistance for Limited Home Repair Program is administered by the General Land Office in unincorporated areas in the city of Houston inside the city limits. And I have heard from constituents there has been a lot of confusion and delay regarding this DALHR Program. And I understand the GLO plans to end the program—the General Land Office—to end the program for the unincorporated parts of the city of Houston in Harris County and that the city of Houston only recently got underway with administration of the program within the city limits. It has been really spotty.

Are you aware—what is the current status of the program? And what can you do to help, once again, take a blow torch to whatever—

Mr. LONG [continuing]. Right.

So, here again, what would fix this problem is granting authority on housing. If you can give me the granting authority to provide funding to a Governor, down through a Governor, to allow that Governor to control housing and do housing way he or she would like to, a Governor will out-manage us. They will do it more efficiently.

The problem with the inter-service government agreement, and the reason we went this way is I don't have enough manufactured homes to handle the flooding in Houston. I mean, the population of Harris County alone is more than Puerto Rico.

Mr. CULBERSON. Sure. Well, as the judge said, there are 186,000 homes being remodeled.

Mr. LONG. Right.

And so we had to put numerous options on the table. And I put travel trailers back on the table that—they were taken off the table for some reason, because I knew that there was going to be a shortage in housing.

We tried to be innovative in this inter-service governmental agreement, and Governor Abbott boldly and courageously stepped up to lead it. He has one of the only Governors that has ever done this. And I commend him for it.

But the problem is that the mechanism is not right. And I will admit it now: I think it would be better for the Governor to purchase housing or provide funding to the homeowner then under my bulky code of Federal regulations.

Mr. CULBERSON. Going through the State.

And I thank the chairman for the extra time. It is appropriate as we, Mr. Chairman, very quickly celebrate Thomas Jefferson's 275th birthday today, that we remember that the Founders intended, and Mr. Jefferson in particular, that the States administer things that affected only the States. And Jefferson liked to say regularity that if we would just follow the Constitution and apply that standard to any problem, no matter how complicated, he said the Gordian knot will always untie itself.

So you are on the right track. Governor Abbott. Let Texans run Texans. We will take care of it.

Mr. LONG. Thank you.

Mr. CULBERTSON. Thank you.

Thank you, Judge.

Mr. CARTER. Ms. Roybal-Allard would like to have another round. And so there is just three of us left, so we are going to have another round.

Ms. ROYBAL-ALLARD. OK.

Mr. CARTER. I am going to start off.

Once again, a program it looks like you are about to eliminate, which I have a lot of interest in, the National Domestic Preparedness Consortium. My State is a State with a lot of big cities, but it is a great big place. And it has got more little towns than we got big cities. And the training center at Texas A&M University trains our first responders. Literally every small town in Texas is blessed by that being able to train.

To say that we no longer are going to have that available is to say that two-thirds of my State is going to have both medical and firefighting at a minimal level. And I don't understand—I would like you to explain why that is necessary.

Now, if it is because it is administered by a university—and, you know, I can understand prejudice against big universities. Not unlike big government, they don't look at where the digits are as desperately as they should. But that is a management issue if that is the case.

But to cut off all funding to things like what we are doing in Texas is to cut off fire protection and EMS protection to two-thirds of our State. Not that we won't have it, but they just won't have it effective.

Now, I have got Fort Hood in my district. We got the best training ranges in the entire United States Army at Fort Hood with the exception of the National Training Center. OK? That is where you learn the best. You train, and we train—we are great trainers. We have got great soldiers, and they are well trained. But they all go through the National Training Center before they go to war, if it is available to us in the war situation. Because, therefore, you save lives, you are more effective, you win battles. That is what this consortium is doing for the small towns and midsize towns of my State and of every State in this Union.

If it is the fact that universities are attached to it, then let's figure out a way to make it better. But explain to me why basically you are saying—I know I have heard we got to make bad cuts and all that stuff. But I will tell you, you will harm—but in my district, it is basically suburban, but you are still going to harm about 25 towns in my district.

Mr. LONG. Yeah. And by no means do we want to harm anybody. I am just in a rock and a hard place when it comes to where I can prioritize our funding in a tough environment.

When it comes to Texas A&M and the Texas system, look, it is a phenomenal system. We are working with them. If I remember correctly, we actually hired their engineering students to do home inspections. We had to perform over 2.4 million home inspections this year, which is, one, we have got to get the better technology

and stop doing the manual process to begin with. But we are trying to find ways to engage universities. And universities do great work. I am in a rock and hard place when it comes to what we can fund and what we can't.

I would love to be able to fund them all, but it is just not reality.

Mr. CARTER. Well, that seems to be your answer. I am all for going in and doing surgery on the Federal Government. I think it is a great idea.

Mr. LONG. I would be happy to work with you, sir.

Mr. CARTER. But I don't understand how I explain to some little town that has one fire truck—and the only people they get to train them is: Go to A&M. And I have graduated kids from high school. I taught Sunday school for 25 years. I have got at least five fire-fighters that I know of that I have taught. And nirvana for a fire-fighter in a small town is to go to A&M to that training center, because they come back with confidence. They know how to fight the chemical fires. They know how to fight vehicle fires. They don't just know how to squirt water on a grass fire.

Mr. LONG. Right.

Mr. CARTER. And they are better in every State for the people that live in their town for going there. And all I say is, if it is wasteful, let's figure out a way to not be as wasteful. If you need a share from the State, let's do a cooperative with the States or the locals, or whatever it needs. Add a fee, whatever it needs. But to kill it is pretty disastrous.

Mr. LONG. Sure.

Mr. CARTER. Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Administrator Long, as you can imagine, I get a lot of questions about Puerto Rico and what is happening in Puerto Rico. So my last two questions are related to Puerto Rico.

Six months after Maria devastated Puerto Rico, the island still has a long way to go, as we have discussed. According to press reports, FEMA has received claims for assistance to repair over 1 million homes on the island, but fewer than 40 percent of those have been paid. And one reason for this delay is apparently a difficulty for residents to prove they own their homes. And it has been reported that some transactions are based on verbal agreements and handshakes and never officially recorded. Other survivors may have lost official documents during the storm. FEMA needs to find a way and a long-term solution, or some residents may never be able to return home.

So what is the current plan to help these homeowners? Do you need additional authority from Congress to help solve this problem? And, finally, will you commit—if you need help from us, will you commit to providing us with technical assistance on what authority is needed to fix the problem including the authority to reimburse individuals who have made repairs at their own expense?

Mr. LONG. Excellent question, and you hit the nail on the head. This is a unique situation about home ownership that the agency has never run into before. And I don't know if it is a legislative fix or a policy fix. But what the concerning factor is, is that, you know, to protect the taxpaying dollars, I have to make sure that if I am providing funding to fix a house, that it actually gets done.

And it is not that we don't trust anybody to do that. We are a very trusting organization. But if I do it and it turns into waste, fraud, and abuse, then I will be called back before this committee again saying that I leaned too far forward.

So let me get back to you on whether or not it is a legislative fix, because I may need, once again, to ask you for special authority similar to looking the other way on the deferred maintenance piece, because we don't fix things that were not well maintained typically in disasters—or I am called before OIG again, and you are asking questions of why I am doing that.

So let me get back to you on whether or not it is a special authority or not.

Ms. ROYBAL-ALLARD. OK. And then my final question is, and I know that you have said that conditions on the island make recovery very difficult, which, again, we have talked about.

A recent AP news story reported that, in the village of Corozal, Puerto Rico—detailed their struggles with getting running water. And speaking about this one area of the town, a resident said: Practically no one has shown up here.

The story is dated March 16, 2018, and reports that they still didn't have running water or electricity and had not received the generator that they had requested.

I had my staff share the article with your staff so that the subcommittee can get more detail about what is going on there and to have a better understanding of an area where the recovery seems to be struggling.

Can you share what you found out? Are there any areas where we can be helpful? And is Corozal a good example of other areas in Puerto Rico that are also struggling to recover?

Mr. LONG. So excellent question too, and there is a lot of misunderstanding on the water. So PRASA, a majority of the PRASA system it services, an overwhelming number of the population in Puerto Rico is back up and running. Some of it is running on emergency power.

I have not read the article, but what I would probably assume is if it is a private well that is not operational or is no longer useable, we first have to understand whether or not you can actually put a generator on that well to pump the water out. And if so, what type of generator?

And if I remember correctly, we are working a mission assigned to EPA to be able to go in and do that. And then, if not, we are still mobilizing water to communities like that through water trucks or buffalos or bottled water. And we are working with NGOs to make sure they are getting out. But we can follow up on any specific area. I would be happy to do that and, you know, make sure that we are not leaving any stones unturned.

Ms. ROYBAL-ALLARD. OK. Thank you.

Mr. LONG. Yeah.

Mr. CARTER. Mr. Culberson.

Mr. CULBERSON. Thank you, Mr. Chairman.

Administrator Long, this rental assistance thing is really a problem. It just—it really bothers me a lot, because we have got people that has now been—it is on the brink of being 8 months since the



storm made landfall. And the Stafford Act says you can't discriminate on the basis of race, religion, national origin, creed, or income.

Your rule online says you will not discriminate against people on the basis of income. And this is really a desperate problem for people. The law is clear. Your rule is clear. There is no reason for there to be any delay with this. You have got the authority. I know your heart is in the right place. I guarantee it is lawyers arguing with each other that has got you worried. And I am a pretty good lawyer myself, as the judge will tell you. The other thing is I am relentless. I don't turn loose once I get ahold of something, do I, Judge?

Mr. CARTER. No, you don't.

Mr. CULBERSON. I am not turning loose on this. You have got the authority to do this. And I tell you: I am going to use every tool that this committee has got to help the lawyers—not you; it is the lawyers underneath you that are the problem.

I figured out a way to get to the Department of Justice to change a sanctuary city policy without ever passing a bill, with no language in my CJS bill, just using good common sense, good lawyering, and existing law.

I am telling you: The law supports you on this. I am really counting on you to get this done. I am not turning loose of it. You can do this immediately. Just go tell those lawyers: Get out of the way. Get 'er done.

Mr. LONG. OK.

Mr. CULBERSON. I am coming. Culberson is after us.

Mr. LONG. Thank you.

Mr. CULBERSON. I really appreciate that. That is very important. These people are really hurting.

Mr. LONG. I understand.

Mr. CULBERSON. That is something you can do right away to help them. I deeply appreciate it.

Mr. LONG. Thank you.

Mr. CULBERSON. You could also—one other thing you have got authority to do is let people use the mitigation grants. When a property is purchased, the law is ambiguous. I believe it gives you a little daylight where you could give the homeowner the flexibility to use that grant to lift a new structure. Right now, they are limited to lifting an existing structure, which makes no sense, because, as you said many times, nobody is going to take better care of a piece of property than the property owner.

Mr. LONG. Right.

Mr. CULBERSON. Or no one is going to do a better job than the Governor. That is the genius of what Mr. Jefferson and the Founders left us, is to let local authorities and State authorities handle things and individual Americans handle things that affected themselves and their own families.

So are you familiar with this, and can you take—

Mr. LONG. I am not familiar with the exact issue, but I will go back to my region 6 staff to make sure I fully understand it.

Mr. CULBERSON. Thank you. Because I think this is one you do have the discretion to let the grant—because today they are just—a grant, again, is only being used to lift an old existing structure.

Mr. LONG. OK. We will take a look at that.

Mr. CULBERSON. Thank you very much.

Mr. LONG. We appreciate it.

Mr. CULBERSON. I look forward to working with you and the chairman to help resolve those rental assistance problems and others. Anything else you need to get 'er done.

Thank you.

Mr. CARTER. We thank you for coming here today. I commend you for trying to fix a broken system. The issue that it always effects is when you fix a broken system and you don't mine down into it to see what the consequences are going to be, and I think we heard a lot about that today. Don't give up on trying. But mine down in there and see if there are alternatives.

Mr. LONG. Yes, sir.

Mr. CARTER. That is really what we need to look to do.

I am no fan of the Federal Government running everything. Then when you think about it, there is an X number of States in the Union that historically have disasters. If all the burden is all put on those States, those States are going to be overburdened as we try to make sure that the economy of the entire Nation functions effectively. For one thing, the Gulf Coast is where—I would argue 90—but it is probably 80 percent of all the petroleum we produce in this country is refined. Therefore, a major sector of our energy economy could be lost if we didn't do a lot of work down there on the coast. It is not refined in other places, so, therefore, you got to—that becomes a Federal nexus, in my opinion. I would just encourage you to keep trying but think about asking and learning about the consequences, especially to the little guy.

Mr. LONG. Yeah.

Mr. CARTER. Because the little guys, they don't have the resources of the big boys.

Mr. LONG. Sure.

Mr. CARTER. You got anything further?

All right. Then we will recess, and thank you for being here.

TUESDAY, APRIL 17, 2018.

**UNITED STATES COAST GUARD**

**WITNESS**

**ADMIRAL PAUL F. ZUKUNFT, COMMANDANT, UNITED STATES COAST GUARD**

Mr. CARTER. The subcommittee will come to order. Good morning, Admiral. Welcome. Thank you for being here this morning. Today we look forward to your perspective on the Coast Guard's priorities and requirements.

The Coast Guard's mission is both wide-ranging and unique. It is a military force that protects us, not only in the waters of the Continental United States, but also in the Arctic and Southwest Asia. It is a federal law enforcement agency fighting transnational crime here and abroad. It is a regulatory agency ensuring the safety and security of our Nation's ports and waterways, facilitating over \$4 trillion in trade and commerce. And it is a first responder, saving over 12,000 lives during the historic hurricane season last year.

The challenges of this diverse mission requires a force that is robust, agile, and well-equipped. Congress provided substantial funding for the Coast Guard in the last hurricane supplemental and in our fiscal year 2018 omnibus appropriations bill. The committee is eager to hear from you on how you will execute these resources and how you intend to sustain these efforts, as well as your priorities and concerns.

In fiscal year 2018, the Coast Guard added a fifth vessel to its modernization program, the Waterways Commerce Cutter. Sustaining five major acquisition programs will be a challenge. I am especially interested in hearing your plans to continue to recapitalize the Coast Guard's icebreaker fleet, the inland waterways cutter, and the long-range reconnaissance aircraft.

The fiscal year 2019 budget addresses many important Coast Guard requirements. The physical reality is that every agency must operate in a constrained resource environment. But if you can match the Coast Guard's consistently excellent performance, maintaining a quality force, sustaining operations with aging assets, and recapitalizing for the future, taking care of the—and taking care of the Coast Guard families. As always, my goal is to ensure that we support the most critical programs with funds that are needed for the fiscal year. Your testimony today will help guide this committee in making some tough decisions.

Admiral, I am not sure—sure everyone is aware, but this is your last hearing before the subcommittee as commandant of the Coast Guard. On behalf of my fellow members, I say thank you for your

leadership over these past 4 years. And even more so, thank you for your 4 decades of service to our country.

Before I turn to the Admiral for his statement, the text of which will be included in the record, let me recognize our distinguished member, Ms. Roybal-Allard, for any remarks you may wish to make.

Ms. ROYBAL-ALLARD. OK, thank you, Mr. Chairman. Admiral Zukunft, welcome to what your final hearing in front of the subcommittee as commandant of the Coast Guard. Let me begin by thanking you for your dedication and service to the Coast Guard and to our country. I believe you are departing with the legacy of improving and strengthening our Coast Guard, and leaving our Nation's Coasties in a better, more sturdy position to continue their mission.

It would be an understatement to say that lately the Coast Guard has been busy. As a unique force with both military and civil authorities, the Coast Guard and its missions touch nearly every facet of our Nation's expansive maritime domain. This also includes its role as a critical responder during natural disasters.

Last year, during our Nation's worst hurricane season, while still performing all of its statutory missions, the Coast Guard saved close to 12,000 lives and was hard at work at other aspects of the disaster response, such as delivering food and supplies, reopening the ports, and repairing communications.

The Coast Guard's critical set of missions make it essential that we properly support it. That is why I was pleased that in the 2018 omnibus we were able to provide funding above the fiscal year 2017 level, including \$1.4 billion above the enacted level for the acquisition, construction, and improvements account, which funds the recapitalization of Coast Guard air and marine assets and \$294 million above the fiscal year 2017 level for operating expenses.

With the 2019 request in mind, this hearing will help keep us informed on how the Coast Guard is operating and what resources are needed to continue supporting its important missions.

In closing, I would be remiss if I did not recognize a very special person who is with us today, Mrs. Fran DeNinno, the wife of the Admiral. Fran, thank you so much for all you have done in support of the men and women of the Coast Guard and their families. Due to your efforts to improve their quality of life, this subcommittee and the 2018 omnibus increased the childcare subsidy for Coast Guardsmen stationed in high cost of living areas.

In many of these locations, childcare costs often far exceed the current subsidy caps for our servicemembers. Quality childcare is not just a family issue; it is a readiness and retention issue. It is an issue we must continue to address, and I think I can speak for all of my colleagues in expressing our heartfelt thanks to you for bringing this issue to our attention.

As the Coast Guard's first lady, your work on behalf of the men and women of the Coast Guard has been extraordinary, and I truly wish you and the Admiral all the best as you begin your next chapter of life.

Admiral, again, thank you for joining us and for your service to our country, and I look forward to our discussion.

Mr. CARTER. Thank you, Ms. Roybal-Allard, and I join you in congratulations and telling you that we will miss the whole family in our Coast Guard. Admiral, we are ready for you to proceed.

#### OPENING STATEMENT OF ADMIRAL ZUKUNFT

Admiral ZUKUNFT. Good morning, Chairman Carter, Ranking Member Roybal-Allard, and I would be remiss if I did not recognize Chairman Rogers, you honor us here this morning as well. And members of this committee, I appreciate the opportunity to testify today, and ask that my written statement be entered into the record.

First, let me express my profound thanks to Congress for your unwavering support and the funds included in the fiscal year 2018 omnibus, the first meaningful annual appropriation increase for the Coast Guard since the Budget Control Act was passed in 2011.

Following a series of devastating hurricanes, the Coast Guard launched one of the largest responses ever in history, culminating in the rescue of nearly 12,000 people. This was an all hands on deck campaign, and it did come at a cost. I thank Congress, and this committee specifically, for the \$835 million to refurbish, and yes, renew our shore infrastructure that was pummeled by these devastating hurricanes.

And while so many Americans endured this historic hurricane season, transnational criminal organizations continued to raise havoc in the Western Hemisphere. Last year, your Coast Guard's efforts to protect the United States border far out at sea netted \$7.2 billion worth of cocaine, and we referred 606 smugglers to the Department of Justice, and all 606 of them were prosecuted here in the United States.

These transnational criminal organizations spawn violent crime, undermine rule of law, and are attributable to failing economies, and create the stimulus for illegal migration in nations like Honduras, Guatemala, and El Salvador. At the same time, our cybersecurity program of record took action to safeguard cyberspace and secure our maritime critical infrastructure, ports, waterways, and commerce, that translates to \$4.6 trillion in economic activity each year.

Your Coast Guard continues to be a sound investment. We earned our fifth consecutive clean financial audit opinion, the only armed service to do so, and our major acquisition programs continue to deliver assets that meet performance, cost, and schedule milestones.

Moving forward to fiscal year 2019, we look to Congress for continued support of our future fleets, highlighted by funding for the construction of the second Offshore Patrol Cutter. The Offshore Patrol Cutter will be the backbone of the Coast Guard strategy to protect and maintain offshore presence and exert sovereignty for decades to come.

In the Arctic, we continue to face growing threats to our national security. The imperative for polar icebreakers goes well beyond simply breaking ice. It is about exerting U.S. sovereignty at a time when Russia, and now China, are becoming increasingly assertive in the polar regions.

I am very pleased with the President's budget that includes \$750 million for polar icebreaker programs. Our request for proposals were released in March, almost a month earlier than planned, and it has energized the U.S. industrial base and keeps us on track for delivery of the first heavy icebreaker in 2023. We are as close as we have ever been, in over 40 years, to recapitalizing our polar icebreaking fleet, and I thank you for all you are doing to keep the momentum going for this vital national asset.

The budget also advances the recapitalization of our aged fleet of 35 Inland Construction and River Tenders. Some of these are over 70 years old, yet still in operation today. Replacing these vessels with a modern but modest fleet of waterway commerce cutters is a matter of economic and national security, as these ships are necessary to sustain our Nation's maritime transportation system.

Going forward, we require 5 percent annualized growth in our operations and support account, and maintain a minimum of \$2 billion in our acquisition account.

It has been my honor, my privilege, to work alongside each of you these past 4 years. You have helped your Coast Guard obtain the resources needed to serve our Nation. With your continued support, the Coast Guard will always be *Semper Paratus*, always ready.

Thank you, Mr. Chairman, Ranking Member, and members of this committee, and I welcome your questions.

Mr. CARTER. Thank you, Admiral. We are on a tight schedule. We have got a drop-dead time around 12 o'clock, so we have got to get through with that. So, everybody, watch the clock.

Admiral, let's talk about recapitalization of—the recapitalization plan. Congress has been very generous in support of the vessel program. Even so, many of our Coast Guard assets are still kind of antiques. I am pleased that—to see that you are—you are requesting a new effort on the issue of waterways commerce cutter.

I want to talk to you about the design of this cutter and what your vision is for this cutter for the Coast Guard. Will it be a single design or a family of cutters designed for select missions? I think that is the curiosity. And when will the first ship, in your opinion, be fielded and ready to go?

I would also like to talk about the National Security Cutter, which is an outstanding ship. And can you tell us how you will fund the operational cost of the new cutters as we look down the road towards a 12-cutter—National Security Cutter fleet, which is, I believe, the recommendation, and how will you balance these operational costs against the other mission requirements?

Finally, the HC-130J aircraft, they are part of your long-range aero program, and you are still calling for eight more, and none are proposed in this particular budget for 2019—what would be the impact on—to your modernization plan, if an additional aircraft was not included in 2019? Lots of questions.

Admiral ZUKUNFT. I have the answers to them all, Mr. Chairman.

Mr. CARTER. Good.

Admiral ZUKUNFT. So let me first talk about the Waterway Commerce Cutter. This is a very modest platform. It plies the inland rivers of the United States, the Ohio, the Mississippi, the Missouri,

and many others. And when you look at our Nation from outer space, you can be envious of our natural geography. Rivers that connect to deepwater ports that connect to the supply chain. And it is these cutters that enable this \$4.6 trillion worth of goods.

Many of the inland states don't normally equivocate themselves with the United States Coast Guard, but if a river runs through it, rest assured, the Coast Guard is there as well.

We have—I have met with a number of shipyards in our inland rivers that—that build tugs that can be configured to be waterway commerce cutters for a very modest cost. With the appropriation we have, we are already standing up our acquisition team looking at a parent craft that would meet the needs of all 35 of these ships. And with the funding going forward, we could actually have a ship launched within 2 years' time.

And so I want to get us on this glide slope. The oldest one of these ships right now is 73 years old, can't even accommodate—most of these ships cannot accommodate mixed gender crews, as we have become a more diverse Coast Guard, and yet they are excluded from the service because they were built at a time when women were not in our service and going to sea. And so very optimistic about that, and we are looking at commercial designs that we can bring into the Coast Guard.

The National Security Cutter, that was a program of record of eight. We now have 11 of these on budget. The 11th cost less than the fourth and fifth, so there are economies of scale by holding steady requirements, keeping a hot product line open, but on their maiden voyage, these ships literally pay for themselves in the value of cocaine removed in a single patrol.

On a near monthly basis, we have a National Security Cutter pulling into San Diego offloading \$1 billion worth of cocaine, to include the people moving this, and very few of these smugglers make it through their fourth or fifth run before they are imprisoned in the United States. We are trying to deter legitimate fishermen from taking up trade in the counter drug business, and try to deter it, can't do it alone. Today, we have an armada of Mexican and Colombian ships and aircraft now supporting us in this endeavor, as well, for the first time ever in history.

And so, when you start looking at what are the out year sustainment costs of doing this, this year is the first year since the Budget Control Act was passed, when our operations and maintenance account was funded above the Budget Control Act floor by 4 percent. But in the previous years, it has been funded below, which adds up to a nearly \$1 billion shortfall in our operations and maintenance account, which translated to a backlog of more than \$1.6 billion in delayed infrastructure improvements. We kept the ships running, kept the ship—the aircraft maintained, but we had to pass the burden cost elsewhere.

So we are finally above the BCA floor dating back to 2011, which is why asking for a 5 percent increase in our OE account that would allow us to sustain these new platforms as we bring them online.

Now finally, with the C-130J, it makes good sense to have good configuration management and not multiple aircraft types, and the

C-130J is a quantum leap above the Hercules, or H model, that we had before.

I am proud to say that, even though we are operating in the most high-risk environments, over a hundred helicopters flying in Hurricane Condition 1 conditions for 3 consecutive days during Hurricane Harvey, not one mishap. We have not lost a Coast Guardsmen in flight for nearly 7 years now, the only service that can make that statement, which speaks volumes to our readiness, the flight hours, and using those OE cost to best advantage, especially when it means putting people in the air or on the water in old ships to make sure that we look out for the safety of our people, as well.

Thank you.

Mr. CARTER. Thank you.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Admiral, the administration clearly has set a priority of funding border security, including more miles of physical barriers. One of the concerns that I have is that increases to these efforts at the border could possibly divert immigration from border areas to the seas.

As we tighten our security at the border, what concerns, if any, do you have on the impact it might have on the illicit activity in the maritime domain? And if that were to occur, what would the Coast Guard need to address the changes to the safety along our coasts?

Admiral ZUKUNFT. Thank you, Ranking Member, and first of all, yes, building a physical barrier is going to stem the flow of illegal migrants trying to enter the country. What it will not do is get at the drivers of why do people leave their country to begin with.

Over the last 4 years, I have made multiple trips to meet with the presidents of the tri-border region, in Honduras, El Salvador, and Guatemala. And they will say they are a victim of geography. They live just north of the largest drug-producing country in the world, Colombia. And then they live just south of the largest drug-consuming country in the world, the United States.

The drugs land in Central America, in bulk, via maritime means. And when those drugs arrive, violent crime goes up, prosperity goes down, and hope goes away for young adults and children. If they are going to thrive in the 21st century, they can't do it at home.

So the drivers for illegal migration are going to be with us for quite some time to come, and if you can't make it across the border, you go around the border. And so we start looking at border security, we need to look holistically. You know, the fact that there is a maritime stream that goes with this, as well. So, long-term, we need to look maritime.

We are already seeing more numbers looking at Haiti, another country in very desperate economic conditions, very difficult governance situations in Haiti. There again, people are voting with their feet, and they take to the water. So as we look long-term, in terms of protecting our border, to include our maritime border, there is a very strong maritime component to that, for which the United States Coast Guard will need to be funded to remain Semper Paratus against what I see as at least a generational threat, if not longer to come.



Ms. ROYBAL-ALLARD. A lot of attention is paid to drug trafficking on the border. However, 70 percent of cocaine consumed in the U.S. passes through the Eastern Pacific. And you mentioned, in your written statement, that the Coast Guard interdicted, like, 223 metric tons of cocaine in 2017. And just for comparison's sake, 32 metric tons was interdicted at the border in 2017.

Also, you mentioned in a recent speech a River Interdiction Program in Colombia. Could you tell us more about that, and how it might work?

Admiral ZUKUNFT. Thank you, Ranking Member, and I have had multiple engagements with President Santos, and in his administration, our country team in Bogota. And first we need to look at the—just the proliferation of growth of coca in Colombia. In 2015, October of that year, aerial eradication was ceased to advance the FARC peace accords, and since that time we have seen cultivation increase over threefold. Not just cultivation, but now production as well, which is really at an all-time worst.

Eradication needs to be brought back to bear. There is an election this year in Colombia. Diplomatically, we need to be thinking long-term of, "How do we get in front of this problem?" because we are behind it.

And over the weekend, we intercepted several tons of cocaine west of the Galapagos Islands, nearly 2,000 miles from where it originated. It goes out rivers in the Tumaco region, which is an ungoverned territory of Southwest Colombia. I would much rather see it stopped in these riverine systems. We are providing valuable information to the Colombian government, and would like to see them stand up a riverine interdiction program to stop it at the source so we don't have to catch it 2,000 miles downstream.

They are trying to do a big flanking movement to get around the United States Coast Guard so they can land these drugs in Central America and Southwest Mexico, where it goes from 80-pound bales of cocaine down to grams, that is comingled with licit commerce to get into the United States for consumption. But we really need Colombia to be a true—while they are a strong ally, but more work needs to be done at the source.

Ms. ROYBAL-ALLARD. OK, thank you. I see my time is up, Mr. Chairman.

Mr. CARTER. Thank you, Ms. Roybal-Allard. We are really honored to have Hal Rogers, the former chairman of the full committee and of this subcommittee. Yield to him for questions.

Mr. ROGERS. Mr. Chairman, thank you. Thank you for letting me sit in on your subcommittee.

Mr. CARTER. You are welcome.

Mr. ROGERS. You and your Ranking Member have done a great job. We are especially pleased and honored to see the commandant here this morning and his bride. This is a sort of a bittersweet time for the Admiral, I am sure, because he is—he is being forced by term limits, if you will.

Mr. CARTER. We know about those.

Mr. ROGERS. We know about those things. But you have done a wonderful job, Admiral. The Coast Guard is as good as it has ever been under your leadership. You have been a great spokesman for the cause, great leader for the men and women of the guard, and

we certainly hate to see you leave this post, but we are sure there will be some great new chapter to be written in your all's lives, and we wish you well in that regard.

Let me follow up briefly on Ms. Roybal-Allard's questions about drugs. We just concluded in Atlanta the 7th annual summit on prescription pill abuse and heroin overdoses. It has become the national platform for the welding together of all of the elements of the fight against drugs. Law enforcement, education, treatment, you name it, we had the head of NIH there, CDC, DEA, FDA, Surgeon General, the White House, President Clinton came and spoke down in Atlanta.

This is the 7th annual such summit. The pill problem began in my district, Oxycontin, 15 years ago, so we started an organization called UNITE, Unlawful Narcotics Investigations, Treatment and Education, a holistic approach that has proven so successful as a model locally we took it national and created the summit, now the 7th year. We had 3,300 people there, from all the states and nine countries.

But we are continuing to see the problem grow worse. Overdoses and deaths now, on the national level, are approaching 60,000 a year. That translates into each of our districts an enormous number of people. More than car wrecks. More than gun accidents or gun crimes.

You are the front line. Everyone says that practically all of the heroin comes through Mexico, and the cocaine comes almost entirely out of Colombia. And you have increased the seizures and interdictions by a great amount. It is astounding. In 2017, you interdicted 223 metric tons of cocaine, more than \$6 billion worth, 708 suspected smugglers. It is great work.

And yet, I am absolutely puzzled why you are not requesting—you are requesting less money for fiscal 2019 than 2018. For fiscal 2019, you are requesting \$1.41 billion for drug interdiction. That figure is more than the 2017 level, but it is actually \$64 million less than the President's 2018 request of \$1.48 billion. Why is that?

Admiral ZUKUNFT. The 2018 budget, there was money added to go beyond our program of record for National Security Cutters. So that really does account for that. You know, it is perceived to be a reduction, and yet, at the same time, there is funding in the 2019 budget to buy ahead on the Offshore Patrol Cutter, another very capable ship that costs much less than the National Security Cutter. But also in the 2019 budget is the \$750 million for icebreakers.

But the biggest cause for that drop, which—perceived to be a drop—was the funding for 10 and 11—National Security Cutters number 10 and 11. And so hence what is perceived to be a reduction—and yet we still have fast response cutters, six of those being built, the second Offshore Patrol Cutter—so at the end of the day, we are still making investments to get after this very persistent threat, drugs in the transit zone.

Mr. ROGERS. Let me commend you on your comments about Colombia. They are a great friend of the U.S., but they have stopped eradicating the poppy, and we are being flooded out of Colombia, our friend.

And I chair the subcommittee that funds foreign aid, and we are letting Colombia know that no longer are we willing to say we are

not going to withhold your money as long as it looks like you are doing—you are going to do OK with eradication and so forth. We are saying now, you have got to show us proof that you are actually reducing the cocaine and heroin coming out of Colombia. It is killing our people, by the tens of thousands. And it is Colombia.

So I salute you for that, and congratulate you on the seizures that you are making, but it is not quite enough.

Admiral ZUKUNFT. Yes, sir.

Mr. ROGERS. It is a little bit like that old saying, that a pat on the back is only 16 inches above a kick in the rump. [Laughter.]

And the Coast Guard is doing a wonderful job, but you are not quite there, perfect, yet. So, thank you very much, and congratulations on your great career.

Admiral ZUKUNFT. Thank you, Chairman.

Mr. ROGERS. I yield back.

Mr. CARTER. Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman, and ranking leader. I want to say thank you for the work that you are doing, and I really appreciate it. We just got back—because some of us just got back from Colombia, and I think I would have been there with Chairman Hal Rogers, I think a couple years ago.

And I agree with your approach, because sometimes there are members of—my colleagues that think that if you play defense on the one-yard line, called the U.S.-Mexico border, where we spent over \$18 billion, and if you add the wall construction, to be billions of dollars. Using football as an analogy, I would rather play defense on their 20-yard line instead of playing defense on a one-yard line, but nevertheless, you know, we have got to deal with those political realities.

I appreciate what you are doing, and one of the things, when we were in Colombia, we were looking at the ports where the—where the—you know, where the cocaine comes from.

Admiral ZUKUNFT. Yes.

Mr. CUELLAR. And I asked the question, “Well, why don’t we try to stop them here, before they get into the blue waters?” And somebody there, one of our officials, said, “Well, it is a lot easier to catch them where they are out there in the seas, because it is a submersible here, or might be a fast boat over here.”

But to me, I like your approach, and I wish more people would do that, is that we try to stop them there, before they get in—into the high seas sit zones, because then you have got to have the—you know, the gray hulls, you need to—you know, the Navy, Coast Guard, and makes it difficult. So I definitely want to thank you for that approach, and I hope that you get other folks to think the way you are, doing the work at the 20-yard line.

The 20-yard line also includes working with Colombia and Mexico, and my question is—again, thank you for engaging them, and if you could include some of the other Central American countries, but it is a good start with Mexico and Colombia—what else can we do to help you so we can get those other countries to do more?

Because if you have one of your ships out there, whether you multiply it by the number of assets that the Mexicans had, or the Colombians can add, then you are talking about multiplier effect. What else can we help you—in that type of thinking that I wish

more of our officials had your type of thinking—what can we do to help you?

Admiral ZUKUNFT. Thank you, Congressman. And I can't emphasize enough that the value of relationships, beginning with Colombia and Mexico. Colombia is besieged on their other coast with nearly a million Venezuelan migrants leaving a failed Nation. So they have a number of challenges there.

But they are going to need support to resume their aerial eradication program. They have a presidential election this year, that the senior leaders, who are now my personal friends, both in Colombia and Mexico, which also has their presidential election, we don't get a vote on how that might conclude. But we have got to have those relationships with the next administrations that come in, that are all in to get after this transnational criminal threat.

We have 25 aircraft supporting our operations today. Six of those are Coast Guard. The other 19 are Mexican and Colombian, helping us. There is a real value—and we are not paying for these services, so we are finally at—what I would say a potential tipping point, where we have two of our key allies, and the most prosperous nations within Central America say, "Hey, United States, we want to work with you. We are sharing information."

We have two patrol boats just delivered to Costa Rica today. They want to play with us as—in Costa Rica, so they are in. So we are looking at how do we work with partner nations that are looking for United States leadership? Because who else is in this region is China. And we do not want to see democratically elected nations now become favored nations with China.

And so I think there is a strategic risk here, as well. If we don't pay attention to where we can really have U.S. influence, and more importantly, the partnerships, Congressman.

Mr. CUELLAR. Yes, and you are absolutely right. I have got about 40 seconds, but you are right. I have been in Costa Rica, and you know, China has sent a lot of their party members over to Costa Rica that—they are in other places, they are in Colombia, at some of the ports of entry.

So I really appreciate it, and again, just to get your type of thinking and philosophy, and get other folks to understand that it is better to play defense on their 20-yard line, and it is better to get more other—those neighbors that want to work with us. They want to work with us. So I certainly want to commend you on your good work and you are thinking.

Mr. ROGERS. The gentleman yield—before he yields back—

Mr. CUELLAR. Yes, sir.

Mr. ROGERS. Could I ask a question of the witness on your time?

Mr. CUELLAR. Yes, sir.

Mr. ROGERS. Admiral, we are seeing now this horrible problem on top of a horrible problem, and that is fentanyl, an elephant sedative that is being mixed now into the heroin that our kids, especially, are dying from, not knowing the danger of fentanyl.

I am told that fentanyl comes to us by way of Mexico from China.

Admiral ZUKUNFT. Yes.

Mr. ROGERS. Is that accurate or not?

Admiral ZUKUNFT. It is, and now Mexico is producing fentanyl, as well.

Mr. ROGERS. Right. Are you seizing fentanyl?

Admiral ZUKUNFT. This is all moving across the land border. We see very low numbers of heroin moved across—you know, via maritime means. But as you mentioned earlier, in 2016, 64,000 Americans died due to drug overdose. Most of this is opioids; 10,500 of those deaths were cocaine laced with fentanyl. The numbers just in from the National Institute of Health is roughly 66,000 now, in 2017.

So 130,000 Americans, from every walk of life, have died in the last 2 years. And the numbers are not getting better. You know only too well, in Kentucky and in the Ohio Valley, some of these communities are grief-stricken. And we need an all-out campaign, not just on the interdiction side, we have a behavioral health problem here in the United States, as well, addiction.

Mr. ROGERS. Thank you.

Mr. CARTER. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Mr. Chairman. Admiral, I want to give you a heartfelt thanks for your service to the great Coast Guard, your personal commitment and your family's commitment. Thank you so much.

As you know, I represent the third district of Tennessee. Chattanooga is our largest city. And I believe Chattanooga is probably the most patriotic city in America. We have had the longest running Armed Forces—Armed Service parade in the country, and I want my colleagues to know that this year we are going to honor the United States Coast Guard. And we have done that—we do every branch, and this year it is the Coast Guard.

I want everyone to know that the Admiral has worked with his staff to make sure that this year is going to be special. We will honor the men and women who currently serve, as well as the great veterans of the Coast Guard. So it is going to be a great, great day, and again, thank you personally, and I just want to thank the Coast Guard for participating in our Armed Forces parade, sir.

Admiral ZUKUNFT. Thank you, Congressman.

Mr. FLEISCHMANN. Yes, sir. Admiral, there has been an ongoing concern with long-term Coast Guard recapitalization and acquisition needs not being matched with budget requests. While we all know the challenges with current budgeting, I am curious, sir, how well the fiscal 2018 omnibus and fiscal 2019 budget requests address long-term recapitalization efforts. Are we still facing future capability gaps at current procurement and construction levels, sir?

Admiral ZUKUNFT. Congressman, you know, anyone in the Coast Guard, if they are looking at the 2018 omnibus, and what is teed up for 2019, will say, you know, this is not the Coast Guard that they were born into. This takes us into a whole new era. If you want to be the world's best Coast Guard, you need to be financed as the world's best Coast Guard.

But at the same time, we want to be responsible stewards of these resources, which is why I am especially proud of the fact that we have had five consecutive clean financial audit opinions. Our financial record stands on its merit. We hold steady requirements in our acquisition program, which is why we are able to deliver on

schedule and on budget, you know, new platforms that meet—and quite honestly, they exceed the requirements that we had laid into.

Our Fast Response Cutter is just one example of many. Eight consecutive ships, coming off the product line in the last 14 months, with no discrepancies whatsoever. They are fully crewed, and they are ready to go out. It doesn't take them 2 years from delivery to go out and conduct operations.

Our National Security Cutters, we could not even envision this program of record, the return on investment that we are seeing right now. So much so that we have the Department of Defense saying, "We would love to see the National Security Cutters serving in the East and South China Sea." We have China Coast Guard that is now merged into their defense structure. Why don't we have U.S. Coast Guard on the front end of some of the Nine-Dash Line that we are dealing with?

So we are seeing an increase in the global demand for Coast Guard, and I think a lot of it is, one, the capability of the platforms, but to your point, you know, this aspect of patriotism—the platform is just the platform. It is when you put the right people in it, that have a passion for this service, and an all-volunteer service, that is what makes it all work. Which is why investments in things like subsidized child care and readiness and high retention rates all come together to make best use of these new platforms.

Mr. FLEISCHMANN. Thank you, sir. In your opening statement, sir, you speak to the continued successes in the counter-drug mission. While it feels that we are getting better and better at interdicting and disrupting the illicit narcotics trade, we are also sadly aware that a majority of smugglers get past us due to a lack of assets.

As a result of this, national—as a result of this, National Security Strategy calls for greater resources and a focus on dismantling transnational criminal organizations rather than just putting illicit narcotics on the deck. Since the Coast Guard plays an integral role in this strategy, sir, I was hoping you could give us your thoughts on how well it is working and what we need to do to make it as effective as possible.

Admiral ZUKUNFT. Thank you, Congressman. So, I watched for—I have been in this business for 41 years now. I have watched for a period of time, for nearly 8 years, we went through what I would call somewhat benign neglect. We saw marijuana legalized, and we saw resources being stripped away from this campaign, and funding levels really not addressing the threat.

On Thursday, I will be with the President down in Key West, Florida, to look at the bigger picture of what is happening to this Nation, and where does this all begin, and ultimately have a healthy dialog of how do we resource against this threat.

One aspect—I mean, we have got the supply side, which we can bring all of government to bear. We have got to look at the demand side of this, as well, and come up with a comprehensive campaign to get at some of the root causes, here at home, of why we are the largest drug consuming country, and at the same time hold those accountable who want to infect this Nation with these toxins.

Fentanyl is a toxin. It is a weapon of mass destruction. And the United States will not be able to do it alone, we are going to need

an alliance to get after that, but we do have the commitment of this administration, of, "We are going to get after this problem."

Mr. FLEISCHMANN. Thank you, Admiral, for your answers to these questions. And Mr. Chairman, I yield back, sir.

Mr. CARTER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Admiral, on this good day for you—and first, thank you for—again for your service. I was in local government, and I have been here about 15 years. I didn't know much about the Coast Guard, but when I came here, I saw an organization that worked hard, always did more—more with less, and I think—I have a lot of issues with—with how many missions the Department of Homeland Security has, but I think you are the premier agency that division.

So, you know, I hope you have got quality and positive leadership behind you, which I am sure you do. But I want to thank you again for your service.

I want to talk to you today about polar icebreakers. The Russians consider the Arctic to be their next frontier, with the environmental changes, ice and permafrost is retreating, exposing viable land and navigable waterways, new opportunities arising for oil and gas drilling, as well as access to untouched fisheries.

Both Russia and China have both recognized this development and are scrambling to establish a foothold in that region. Now in this regard, America is coming up short, that is my opinion. Russia currently has 44 working icebreakers, seven of which are nuclear powered, while the United States, I believe, has two.

Now, the Coast Guard has stated that it needs three heavy and three medium icebreaker to counter Russia and China's influence in the Arctic, and I believe this is clearly the right move, and I know this is just a high priority for you as it is, I think, should be for our country.

Now, my questions, the first thing: what impact would an unchecked Russia and China presence in the Arctic region have on our national security and sovereignty? And I am going to—I am going to throw out the questions, and then let you answer.

Also, there is a moratorium on fishing and unexplored, untapped oil reserves in the Arctic outside of our exclusive economic zones. Do you feel that without the American assets in the region we will be able to enforce international law?

They said—like you said in your testimony, I think appropriating a steady supply of funding to icebreaker procurement will reduce the price tag and due to the economies of scale, keep us where we need to go on this threat of Russia and China.

Secondly, the Coast Guard received \$300 million in the defense bill to jumpstart the preplanning for icebreaker acquisition, which was a good thing, how you—it was able to move from defense to you all.

Now, the President's budget asked for an additional \$750 million. Now, if the committee does not fully meet the \$750 million request that you are asking for, and that is in the budget, what impact will it have on delivery dates for these icebreakers?

Admiral ZUKUNFT. Thank you, Congressman, and those are spot on questions. You have done your homework, your numbers are spot on.

So we have four coasts in the United States. We have the East Coast, the West Coast, the Gulf Coast; well, we now have a fourth coast, the Arctic coast. And we have communities up on the Arctic coast. So I don't think any of us could ever envision that we would have no mechanism to assert U.S. sovereignty off the Atlantic coast, the Pacific coast, or in the Gulf of Mexico, and that Russia can just willy-nilly, you know, show up at our doorstep.

But we would write lots of reports and say, "You can't do this. You—we will demarche you if you do that." So you can't exert sovereignty with paper, which is why, you know, investing in an ice-breaker is absolutely pivotal. It is really an instrument of national sovereignty. Vital resources are at stake up there.

We need to look at the long game, not the short game. I mean, oil is trading at just over \$65 a barrel right now, which makes it not profitable to extract the rich resources that are in our EEZ and beyond our EEZ.

As Congressman Cuellar could appreciate, we have an extended continental shelf the size of the state of Texas, beyond our 200 mile limit and a lot of the 13 percent of the world's oil, a third of the world's natural gas, over a trillion dollars of rare earth minerals are on or below the seabed up there.

Russia has claimed all the way up to the Arctic Ocean. Russia will take delivery of two ice-breaking Corvettes, warships, with cruise missiles, plying off our Arctic coast. China is building another icebreaker. China routinely does scientific studies in our extended continental shelf.

And then, you look at well, why don't we just claim this extended continent else—continental shelf of ours? Well, it requires ratification of the Law of the Sea. So we don't have the governance model in place, because we have not ratified the Law of the Sea convention.

So all of those are coming together as a confluence. And then we look at fish stocks. As they migrate further north we claim a moratorium, but if you don't have an enforcement mechanism. There again, it is paper, but you don't have the ability to back paper up with force if necessary.

And then finally, when you look at the \$750 million, what is at stake? This is a great risk for an industry to take on, because they are going to have to reengineer their production lines to build a heavy icebreaker. They don't want to build just one icebreaker. They won't make those front end investments if we are only committed to building one.

The National Defense Authorization Act—and I am pleased to say that we have \$150 million installments in 2017 and 2018 from the Department of Defense, but the National Defense Authorization Act of 2017, DOD is committed to building an icebreaker. Three hundred million dollars does not buy me one icebreaker. I need the full funding.

But what we need to do is demonstrate to industry that we are committed, and we want you to take on the risk to do the engineering work to build the United States icebreakers, with United States steel, with United States workers.



And so what really is at stake is industry may walk away from this, if they don't see a commitment from us that we are serious about making this acquisition.

Mr. RUPPERSBERGER. Just real quick, is your plan—will that balance out the issues we are dealing with Russia and China, do you believe at this point?

Admiral ZUKUNFT. It puts us in play. We created, on our watch, while I was Commandant, an Arctic Coast Guard Forum. That includes seven other Arctic nations besides Russia.

During Hurricane Harvey, we ran the largest search-and-rescue Arctic exercise with ships and planes ever in history, while at the same time we are doing Hurricane Harvey, while at the same time we are intercepting drugs, but we have got Norway, Sweden, Finland, the Dutch, Iceland, and others—Canada, saying, "United States, we are all in."

So there again, can we do it alone? No. Can we do it with others, like-minded nations? Absolutely. So we look at where we leverage international partnerships as well, sir.

Mr. RUPPERSBERGER. Thank you. Good answers.

Mr. CARTER. Dr. Harris.

Mr. HARRIS. Thank you very much, and congratulations, Admiral. You know, I have spent 17 years in the Naval reserve. I can't imagine having spent 2½ times that amount of time, but congratulations on a job well done.

I also want to thank the Coast Guard. Obviously, they are very important in the first congressional district of Maryland. We have the—you know, the entire Atlantic Coast of Maryland, and a lot of the—Chesapeake Bay coast. And two issues, specifically, I just want to bring to your attention. One is one I think we are working through, which is that the Coast Guard recently removed Daybeacon 10 from the Honga River.

And it is because the channel was not navigable anymore, but it was also an important marker for another maritime channel, or another maritime route, that boaters used, and the issue is—I am not going to ask the Coast Guard put back in, I understand why you removed it, but I think you have to approve the county and state working together to put a different marker there.

And I understand there may be a little hold up on that. I just—as—you know, we are coming up on the boating season, I ask you to expedite that. And then we had a meeting with the watermen, and I think your staff was there from the Coast Guard, and I think that will go all right.

The other one that I really want to do a shout out on this is—you know, it is funny, both of these have to dredging channels that are—that aren't deep enough, and the Ocean City Inlet has a problem, and a fishing vessel—I think was about 2 months ago—came in literally with thousands and thousands pounds of fish at the wrong time, couldn't land—you know, couldn't dock at their own dock, and was able to unload most of the—only some of the fish was lost, most of it at the Coast Guard—I want to thank the Coast Guard for—stepping in and helping there.

Because that is very important to our economy, and again, you know, in the Navy we would go "Bravo Zulu," job well done. Thank you very much for that.

Now the other the rest of my time I want to spend on an issue that is not—not unknown to my chairman. It is windmills off the Atlantic coast. And, you know, there is a windmill project going to be run—you know, over a billion-dollar project by a company in Italy that wants to build windmills off the coast, and, you know, bought the leasing—bought the lease from—the lease that BOEM issued, over in the Department of the Interior, and the more we investigated, the more bizarre it appears what happened over at BOEM.

And the reason why I bring that up is because, you know, they are supposed to actually look to other federal agencies to provide input on way—when the leasing area is designated, and then, of course, when it is developed.

Now before the designation, there are two specific agencies that—that I think are very important to be involved; one, because there is a national park there, the National Park Service, and under the Organics Act, you are supposed to actually preserve the—the scenery, preserve everything, and the National Park Service never had input into it.

But the other important agency is your agency. And your agency actually did have input into it. In a letter to the—to BOEM in 2013 that you have—you are—the Coast Guard very specifically said don't designate this area, because later you may have to basically undesignate it, or not be able to develop it, because of dangers to maritime traffic.

And I don't know how familiar you are with the issue, but it was apparently completely disregarded by BOEM, which went ahead and did that lease area, and now, you know, there is an effort to kind of ram this project through without Park Service comment—although I think we are going to get Park Service comment—and despite the warnings from the Coast Guard that—that, without proper channel designations, and I think the Coast Guard would recommend what they call alternative one, which removes a large part of the lease area.

This is concerning to me, because I would hope that the Coast Guard would be very adamant and say, look, we all want—look, this is not about whether we are going to have offshore wind. We are going to have it. It is where you are going to put it, and whether it is going to be, in the case of the Park Service, visible from shore, in the case of the Coast Guard, interfere with shipping channels, and I just want your assurance that the Coast Guard is going to—is going to be adamant about maintaining maritime safety off the coast—you know, off my district.

Because I don't want a vessel accident, and the spill of whatever—we know what is in vessels. We know from the Exxon Valdez what is in vessels. I don't want that spill offshore. I don't want these—these ships, after going into channels that they don't—into routes they don't know about, so, I am—I can—I am going to ask, what can the Coast Guard do to make certain that we don't create an unsafe condition, under the current proposed development plan?

Admiral ZUKUNFT. Well, Congressman, first of all, I will echo your term “adamant.” I spent most of my career as a mariner, and putting wind farms in a traffic separation scheme that interfere with radar propagation, interfere with communication propagation,

create in fog conditions, a hazard to navigation, all of these things combined is not a prudent measure.

I will be more than pleased to back to BOEM, to go back to our 2013—we have not deviated from our position when it comes to the hazards as you have alluded to.

And look out into the future—we may have autonomous ships out there. And now we have changed the lay of the land with these autonomous wind farms. If I was with Park Service, I would—what is the interaction with migratory species? A lot of these wind farms carry a lot of mortality.

There are a number of stakeholders in this. This is beyond a lease. This is environmental, but, for me, it is all about maritime safety. So I stand behind you.

Mr. HARRIS. Thank you very much. I yield back to you, Mr. Chairman.

Admiral ZUKUNFT. Actually, next one. And then with regard to private aids to navigation, absolutely, we will work with the state to make sure—I recreational fish, and if I can't find my honey hole because of want of that, then—you know, we will work with the stakeholders on that. Private aid is not an issue for us.

Mr. HARRIS. Thank you very much, and congratulations, again. I yield back, Mr. Chairman.

Mr. CARTER. Mr. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman, and thank you, Admiral, for your service and also the service of your spouse and your children. Thank you for all that you have done in 41-plus years serving in uniform.

Also, please take back to your Coast Guard team how much we appreciate their service and sacrifice, as well. I know it takes a full-team concept to be as successful as you have been, but also as successful as the Coast Guard has been lately.

Mississippi really appreciates our Coast Guard presence in Pascagoula, as well as Gulfport. You have got a first-class team down there. I have visited both stations, and I really enjoy going out there.

I was invited to come floundering. I haven't taken them up on that one, but it is over—it is a little honey hole. I won't tell you where it is at. You were talking about honey holes, so.

Also, I thought Admiral Kelly did a fantastic job at the annual National Guard Reserve Components Breakfast. He did a splendid job addressing the Reserves, and hopefully, over the months and maybe not the years, but in the months to come, that we can address the manning—the shortage of manning that they have in the Reserves.

The Coast Guard has a huge mission in providing for our Nation's national security, and I know there has been a lot of talk about drug interdiction, and, you know, the demand, the supply, and those are things that we have to address as a nation.

We have been soft on drugs. We have been soft on prosecution. We are sending all the wrong messages, not just to the dealers, but also to the American people, that it is OK to use and abuse drugs.

And so I might ask you a question. You know, I have been to—I guess I have heard reports. You have a presence in South and Central America. Tell us what we are missing, when it comes to—

you are seizing over half the cocaine seizures on—that our U.S. government seizes every year. I am afraid we are missing a lot.

And, you know, can you kind of put that in perspective? Because it is finding its way into America, and what can we do? What can we, as a Congress, do to give you the tools to combat this more effectively?

Admiral ZUKUNFT. Yes. This is a very perplexing problem we have, Congressman. And so right now we are getting about—just—you know, about maybe 25 percent of the flow.

Gone are the days where we sweep the ocean like a lawnmower, hoping that we stumble on something. These are all intelligence-driven, vectored in aircraft, helicopters that are armed, ships, like the National Security Cutter.

But there are so many, you know, we can't target them all. We know that we bring them into custody, and we will ask a smuggler, "How many runs did you make?" Four, maybe five, and then we caught you.

Well, don't you think, before you are going to do 20 years in a U.S. prison and be cut off from the network, you might want to stop doing this?

So we are actually trying to deter people from entering into this business line, as well, but what we have come to realize is when—to sustain this fleet—we have got 50-year-old ships doing some of these interddictions right now.

We need to maintain momentum that we have right now in our acquisition program, and then, at the same time, make sure we don't forget about the out-year cost to maintain these platforms, as well. We are doing everything we can to identify efficiencies of how do we run this fleet in the future.

I signed off on terminating what would be rotating crews. So if you can imagine, you have got four crews assigned to three ships, and those three ships are in three different home ports, and then when you take that ship out, the crew has to go through what is called analyzed training, with helicopters and wartime readiness.

Well, a new crew comes in, they get on that same ship, and the same ship has to do the same thing all over again. So maybe you are running that ship 35 more days a year, but the fact of the matter is, fewer days are spent in the high-threat area because you are spending more time training these rotating crews.

So that is why one crew, one ship, and then a ship and crew that we can surge, if the threat picks up, to go forward. So we want to make sure that we are making smart investments in how we operate this fleet in the future, as well.

But to continue what I would say just predictable funding—and I recognize, you know, we are going to have a day of reckoning just around the corner, as we look at deficit spending, as this cannot continue forever. We have an aging population.

And so all of that combined, we want to make sure that we can demonstrate to you that we are a good investment with a return on investment that is valued by our Nation.

Mr. PALAZZO. Well, thank you for those comments, and, lastly, my question—you did such a fantastic job last year elaborating on why the Jones Act is so important to our national security and our

economy, I think this panel would be welcome to your remarks, again, this year.

Admiral ZUKUNFT. So, as we all know, we have the largest trade deficit with China right now. China has the most aggressive ship-building program in the world right now.

So if you can envision, 5 years from now, you know, a ship pulls into L.A. Long Beach. It is a Chinese flag. And then it is going to go from L.A. Long Beach to, maybe, Seattle.

And so now we have our entire domestic maritime trade is being run by China, and Chinese mariners. With the Jones Act, the maritime academies go away. The U.S. mariners go away.

We have three Jones Act shipyards that build deep-draft ships in the United States. In the 1950s, we had over 50 of them. We are now down to three. Those go away.

So we will say goodbye to the United States as a maritime Nation, because, for cost-considerations only, and not for security concerns, our—our sealift, our national sealift to carry out a military campaign, would be on the flag of a foreign Nation that may, potentially, be an adversary.

So we really need to look at this from a national security lens, and also from an economic security lens, because who would fill that void if we decide this law is now obsolete?

Mr. PALAZZO. Well said. Thank you, Admiral. I yield back.

Mr. CARTER. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman.

Admiral, welcome. Congratulations. It is great to see you, and of course, I am sure I am not the first one to say this, this morning, but I want to congratulate you on your retirement. It has been a real pleasure to work with you, and to see the Coast Guard thrive and grow under your leadership. So it is a heartfelt thank you, and congratulations.

Just the tenacity and bravery that the Coast Guard, once again, showed during Harvey and Irma and Maria storms, that challenged us like few have, and as we—we become almost accustomed to this, but we should never take it for granted the way quick action by your organization saved thousands of lives during three historical natural disasters in quick succession.

For that, and much, much more, we thank you.

Admiral ZUKUNFT. Thank you, thank you, sir.

Mr. PRICE. Let me ask about a couple of aspects of the migrant issue, which the Coast Guard is of course quite directly involved in, and can enlighten us on perhaps.

First, the general situation you are facing and then a specific question about Cuban migrants. I understand the Coast Guard District 7 cutters are regularly ferrying rescued migrants and detainees to shore.

I understand, of course, that this displaces other search and rescue activities, as well as other interdictions. Many of the cutters aren't particularly designed for this, they are not equipped to hold large numbers of people on board during these transitions.

So, first of all, how are you addressing this problem in general? What are the dimensions of the challenge? What should we know about it? How are you handling it?

And then secondly about Cuba, let me just get that question out there as well, President Obama, as you know, ended the wet foot, dry foot policy in January of 2017. And after that, there was a dramatic drop in the number of Cuban migrants trying to reach the U.S.

But looking at your budget in brief, it looks like the Coast Guard interdicted 2,510 undocumented migrants and had to repatriate a 1,532 Cubans. That is puzzling to me anyway.

Why do you believe the number of Cuban migrants has risen again? There has been no change in policy, so I am genuinely curious as to why this might have occurred.

Admiral ZUKUNFT. Yes, so we report those, Congressman, in a fiscal year. And when the repeal of the wet foot, dry foot policy went into effect, we saw an abrupt halt in Cuban migrants.

And so we went 5 months, 5 consecutive months without one Cuban migrant. We have interdicted a handful in the last several months off Cay Sal Banks, which is the Bahamas, so they are looking at doing an end run to the Bahamas over to Freeport and so now we are picking them up with a fairly sophisticated human smuggling network leaving Freeport, Bahamas, and sprinting across the Florida Strait to land.

We have seen Cuban, Venezuelan, Brazilian, Sri Lankan, Chinese, I mean, we pretty much have seen most of the United Nations in terms of illegal migrants with this very sophisticated human smuggling network, which I think drives home the point that find the path of least resistance.

If there is a wall, find water, and if there is water, try to mingle in with all the other recreational boats off the Florida coast as well. So that is what we are seeing right now, which has challenged us.

We have been able to pull—at any given day a year and a half ago, we had about 10 Coast Guard cutters dedicated to nothing but the Cuban migrant problem. We have been able to dial some of that back, but now we are seeing through the Bahamas' human smuggling networks, we are working very closely with our very close partners in CBP Air and Marine doing these interdictions, but more importantly, getting after these human smugglers as well.

So that is where we are seeing the difference. It is not the traditional smuggling means, it is going around and then paying off human smugglers to gain illegal entry.

Mr. PRICE. Well what would you say about the kind of priority you are required to give this matter and the trade-offs in terms of other missions, other search and rescue activities, other interdictions?

Admiral ZUKUNFT. Yes, thank you, Congressman. So we will never diminish our search and rescue readiness posture, and in fact, as you saw during Hurricane Harvey, we—you know we—we pulled over 3,000 people, several hundred aircraft and boats from non-affected regions to support the search and rescue effort.

So search and rescue, this administration has made it very clear where—where we stand when it comes to illegal migration, and so I own the sea component of that. And then, so we look at—so where else might you take risk?

In years past, we have a number of ships, what I would call our flagships, doing enforcement of our remote EEZ, thousands of miles offshore in the Central Pacific Ocean, where we can remotely monitor activity there where we were not seeing encroachment, but because it was one of our 11 missions, there was a time where we say we need to resource each mission equally.

We have great intelligence, and that intelligence tells you two things, where you need to emphasize, where you need to be more present, but it also tells you where you might be able to go at risk with limited resources so you can double down where you have the higher risks, and maybe you accept risk is some of the other areas.

So some of our remote EEZs we have accepted risk. Today there is a naval ship in the Central Pacific with a Coast Guard law enforcement attachment on it doing fishery enforcement operations.

So we are actually getting help from the Navy in doing fisheries enforcement. So we haven't zeroed out the program all together, but we are looking at where do our authorities resonate, where are the greatest risk, and then where do we apply those resources.

It is working out pretty well for us.

Mr. PRICE. Thank you, thank you, Mr. Chairman.

Mr. CARTER. Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman, and Madam Ranking Member. Commandant, welcome to the committee.

Admiral ZUKUNFT. Thank you.

Mr. NEWHOUSE. Pleasure to get to know you and I want to thank you for your very good update and as well as your long service. I am experiencing a bit of regret, I am fairly new to the committee and you are leaving, and I don't get to enjoy working with you as my colleagues have expressed their pleasure in working with you.

But congratulations on your—also say thank you to all the Coasties under your command, and for all the hard work that they continue to do and work with what they have and always exceeding their mission, so appreciate that.

You talked about the many challenges in protecting our coastlines, certainly this last year with all the hurricanes was a huge challenge, but you were able to rise to the occasion and continue to do the hard work of making sure that all of our ports around the country and your work with the DOD remained in—in effect, and so you were able to multitask and exceeded your mission in that regard as well.

I should note that I had the pleasure of visiting our facility in Seattle and I want to thank the men and women there who gave me a fantastic tour and a great briefing on the hard work that they are engaged in in the Pacific Northwest, a lot of important things.

And it was, you know, an educational thing for me too. I was able to see two of the three icebreakers that we have. One of them, I think if I am correct, is sitting there kind of being robbed for parts as we speak.

Admiral ZUKUNFT. It is.

Mr. NEWHOUSE. But certainly I understand the need and the necessity of protecting our northern coastline as well, so I appreciate that—your—your focus on that and our ability to have been able to fund, at least begin, to fund the necessary improvements and being prepared.

Coincidentally, I had a staff member that was able to visit your St. Elizabeth campus right after the hurricane season and was very complimentary in the—what was witnessed there, and the—the work being done in conjunction with local authorities and others. So all around, I would say a good job.

My question has to do with something that I think was engaged with when I was a state legislator actually concerning inland waters and vessel discharge laws and regulations. As you know, there is the Vessel Incident Discharge Act, which would establish a single federal ballast water management standard that would specify the Coast Guard's 2012 standards as the baseline. It is in both the House and Senate and it would focus on establishing a uniform national standard for ballast water and other incidental charges and provide the authority to regulate these discharges primarily with the Coast Guard, and I understand along with the EPA.

I guess my question has to do with how you see the Coast Guard as the enforcing agency if these proposals are enacted. Could you discuss that some?

Admiral ZUKUNFT. Yes, thank you, Congressman. So I really put myself in the in the shoes of a mariner. If you feel like you have got to cross so many T's and dot so many I's because you have competing entities that are doing enforcement operations. And we only get maritime governance—in this Nation it is the United States Coast Guard for maritime governance that understands Mariners, that understands the technology. It is the United States Coast Guard that represents the United States at the general assembly where I lead the delegation at IMO that looks at international standards.

And so it makes sense to have one entity, one federal entity, so you don't have competing states with different requirements. So the Mariners want to do everything they can to come into compliance, but when they get conflicting signals from different entities, from different agencies, it makes their compliance all the more difficult. So big advocate that a one-stop shop and logically it would fall on the shoulders of the United States Coast Guard.

And on ballast water standards, we have set the bar higher than any other Nation in the world. We now have six certified ballast water treatment systems that we want the global community to embrace. We have foreign flagships coming into ports like Seattle where we are already seeing hundreds of billions of dollars in damage each year from invasive species, we have have got to stop the bleeding.

And so we are trying to be the model internationally. I met with the Greek shipowners yesterday that own 20 percent of the world's fleet and they are looking at us, OK, IMO has a lower standard but we do a lot of trade with the United States. We want to work with the Coast Guard. We want to come into compliance as well.

So I think those two—whether its ballast water treatments systems, or whether it is the VIDA regs, look no further than the United States Coast Guard, where we have those captain of the port authorities, as well, throughout the United States.

Mr. NEWHOUSE. Appreciate that.

Admiral ZUKUNFT. Thank you for your support, sir.



Mr. NEWHOUSE. Certainly, simplicity, having a single regulation to follow, I would think would aid in compliance and success in protecting our environment.

Admiral ZUKUNFT. Yes, sir.

Mr. NEWHOUSE. I appreciate your response. Again, congratulations on your career and Mr. Chairman, I yield back my time.

Mr. CARTER. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman. And admiral, thanks for your service. We truly appreciate you and—and understanding who the high-ranking admiral is, we appreciate your wife's service and thank you for your family—

Admiral ZUKUNFT. As only a former service member could acknowledge. [Laughter.]

Mr. TAYLOR. I understand, I understand. And also, we think very highly of the Coast Guard in Virginia, in Virginia 02, so I think it is a huge part of our national security apparatus. So we appreciate all—all that you do. We appreciate all the Coasties who are under you and what they do. So please give our best to them.

There was a significant amount of money of course in fiscal year 2018 and 2019 for the Coast Guard and my question is for the Coast Guard as other services as well as, it is a lot of money in a short time. Is the Coast Guard using contract vehicles like OTA's and SBIR's so as to use of funds quickly and inefficiently but responsibly?

Admiral ZUKUNFT. So a lot of this money is actually 5-year money. And when you start looking at our shore infrastructure—and we work with the various congressional districts and some would really like to see local workers land those positions as well. So we work with minority contractors, but at the same time, we want to make sure that we are—the requirements are being met and on budget. So we are growing our acquisition staff slightly to be able to accommodate these opportunities that have now arrived on our doorstep.

I have the highest confidence that we will be able to execute on time but also execute responsibly. We look back to supplemental funding that received after Hurricane Sandy. So we have got great corporate knowledge of when you have an infusion of money, some of it driven by contingency, but it also has multi-year.

And so what we will be doing and what the next team coming in will be doing is, is doing well looking down at 5-year timeline to make sure that we are fully obligating and expanding and expanding responsibly the funding that is being allocated in the 2018 omnibus that will meet our requirements.

Great example was out at Great Inagua. We had a hurricane number years ago, leveled our hanger out there, so we built it to condition three standards that experienced 155 knot winds during Hurricane Irma. It didn't remove a shingle. And so the next day, we are using that facility to do rescue operations in the U.S. Virgin Islands.

I just use that as one example of many, but we have seen this movie before and we know how to be responsible stewards of the funding and also the proper contract vehicles that can make sure that it will meet our needs, most importantly, meet them on time as well.

Mr. TAYLOR. Understood, thank you. Switching topics to cyber. So, cyber appropriations in fiscal 2017 and of course 2018 as well, how are we—for the—for the workforce—how is the Coast Guard collaborating with other agencies or services in the space so as not to be redundant?

Admiral ZUKUNFT. So, we were first working within our flagship, our Department of Homeland Security. We have been able to create a cyber protection team that is over 120 people strong. The end strike needs to be closer to 200 of that. The good news is, we actually have these people on the payroll. We are creating a cyber curriculum at are Coast Guard Academy in 2019. The valedictorian who was a Fulbright scholar graduate last year is off at Oxford and has every intention of making his career in cyber.

The J6 at—who serves the chairman of the Joint Chiefs, is a Coast Guard three-star admiral. The Coast Guard has a one star admiral who is the J8 at U.S. Cyber Command and we have over 80 cyber professionals there. In a closed hearing, I could actually say what they do, but when I talk to my good friend Admiral Rogers, he mentions a first-class petty officer in E6 by name. He was one of the rock stars over there.

So that is our contribution not just to the joint services, but across the inner agency within the Department of Homeland Security. And were doing with a very small footprint, 120 billets right now, but we do need to grow that in a very competitive field right now as only you can appreciate. The world, this country is not flush with a lot of cyber professionals, demand exceeds supply.

Mr. TAYLOR. No question. And this may be more of a statement than—than a question because we are in of course an open hearing. But obviously with cutters and ships, you have a tremendous amount of different vendors and different systems and coding, et cetera, and all that. I guess, it could be a question, but in a—a general question. Is the—is that cyber space looking at that, and sort of hacking, and having the ability to understand what all those various systems are with different vendors, as well as—so as to be—have the ability to respond to a cyber attack, but also, you know, to understand their systems better?

Admiral ZUKUNFT. Thank you, Congressman. So, in 2015 I put out a cyber strategy. One, we operate on the Department of Defense Information Network. We don't want to be the soft underbelly for an adversary to get inside the greater network, which is our Department of Defense.

So, one, we harden our defenses. We have migrated to Windows 10. So, you know, we are, you know, we are standing the watch from a protective standpoint, but then how do you use cyber offensively? Which gets into some of the more classified system. When you look at our National Security Cutter, our—all the platforms we are building have, what I would call, Navy-type, Navy-owned, C4ISR systems.

So we are looking at what is in the supply chain to make sure that it doesn't have imbedded malware before we plug it in, and then we are using that to interoperate with allies, and, more importantly, with our great U.S. Navy.

Then finally, the last piece of this, we are looking at what is the maritime industry doing? We have listened to them. We are work-

ing with the National Institute of Standards of Technology. Looking at what are the state of play in cyber protection today, to share that with the maritime industry.

Maersk shipping, just over—nearly a year ago, was intruded with NotPetya malware, and it shut down their screens. In 5 days, they recovered, because in 5 days they could migrate the entire enterprise to Windows 10.

Through our acquisition—it took us 4 years to do that in the United States Coast Guard, and probably most federal agencies. We don't have that nimbleness to move money that quickly.

So we are looking at—protect the Department of Defense Information Network, on which we reside; use it offensively to go after adversaries; and then, third, protect our maritime infrastructure, which is very cyber-dependent, from intrusions, as well, to provide them as practices.

Mr. TAYLOR. Thank you, Mr. Chairman. Thank you, Admiral. We wish you and your family all the best in the next chapter.

Admiral ZUKUNFT. Thank you, Congressman.

Mr. CARTER. We are going to go to a second round.

Admiral, last year you stated that 1,100 reserve billets needed to be restored, that active-duty strength needed to be increased by 5,000 over the next 5 years, and you have talked a little bit about that today.

But the Coast Guard has yet to complete the required Manpower Requirements Analysis to determine the size of the force-based strategy analysis risk management.

Without a complete manpower analysis, how can you determine the right size of the force, and the proper fleet mix of vessels and aircraft? What progress has been made in completing this analysis, and what remains to be done to achieve force structure goals?

It is now the third quarter of 2018. How is the service doing in terms of hiring, recruiting, retaining both civilian and military workforce?

Admiral ZUKUNFT. Yes, thank you, Mr. Chairman. So the analytical work was done, and the numbers were backed out. So we have also, in parallel, have done a force-planning construct, which is internal to the Coast Guard, and it is not by coincidence. The numbers in there mirror image what—what was on record, in terms of, you know, a 5,000 active duty. In fact, the force-planning construct says 5,260, roughly.

The 1,100 reservists, those were billets that were cut when we were going through those funded below the—you know, the BCA floor, so we started cutting billets. And we cut 1,100 of our reservists.

Those are the first people we call in time of disaster, and so we are just trying to get back to what was status-quo to deal with natural disasters.

And so our forced-planning construct—we will work with our department, we will work to get the numbers put back in there, but I could say with very high confidence a 5,000 growth in active-duty is valid, and restoring our 1,100 reservists is valid, and sustaining our current end-strength of civilians is valid, as well.

We have the highest retention rate of any armed service right now. Over 90 percent of our first-term enlisted are re-upping. We

have very low numbers, as an early indication, entering into what is called the blended retirement system—those that have the option to opt-in are saying, well, they are planning to do a 20 year career? Why would they opt in and retire with less pay at 20 years, if they plan to do a 20 year service?

So we have the highest retention of any armed service. Huge dividends are paid if you don't have to constantly hire, train, and then certify journeymen that are coming into the service. That has paid huge dividends.

We can't bank on that, but the fact of the matter is, we are in a very good place right now. Numbers are valid, but we do owe you, you know, the force-planning construct, which, as you can well-appreciate, you know, we need to get that blessed from other levels of government to get that on record.

But everything I have seen—we are spot-on when it comes to, you know, growing the active force by—by 5,000, the reserves by 1,100. We fully loaded our training center at Cape May right now. We have not lowered the standards for anyone who wishes to become part of Team Coast Guard.

You must have a high school diploma. If you have a GED, well, then you better have an associate's degree on top of that. This is the best-educated, physically fit Coast Guard that I have served with, and I am proud to stand next to them in my 40 plus years of service.

Mr. CARTER. And this Manpower Requirement Analysis—when will it be completed so we can take a look at it, too?

Admiral ZUKUNFT. Yes, sir.

Mr. CARTER. When will that be?

Admiral ZUKUNFT. I will get back to you on that. I wanted to have that date for you here, and I never like to show up without our homework complete.

Mr. CARTER. OK. We need that. Thank you.

Admiral ZUKUNFT. Yes, sir.

Mr. CARTER. Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Yes, I would like to follow up on the Chairman's question, with regards to retention and focus more on the retention of women, because you recently mentioned in the speech that the Coast Guard is having trouble retaining mid-career level women, and that you were looking into this whole issue, and—by conducting a study on retention. And I mention that—a part that is going to be included, and what the Chairman was asking about.

As I mentioned in my opening statement, I was glad that we were able to include additional money for childcare, and I am just wondering if the survey, in addition to the childcare issue, if there is any indication as to what other issues are causing the women to leave the Coast Guard, and if you could tell us what the cost is—first the contributions, then the cost, of losing these service members, both in terms of funding and readiness?

Admiral ZUKUNFT. Yes, thank you, Ranking Member. So, yes, we did embark on a study rather than hypothesize and—and maybe we hypothesized wrong—of why do women leave the service.

You know, 50 percent of a year-group leaving between years 10 and 12 of service, at a point where, you know, they have now become subject-matter experts in—in their chosen field, and every

field is open to women in the United States Coast Guard. And you can speculate, OK, well, maybe they have approached child bearing years. Maybe it was difficult maintaining two careers.

Or maybe there is a subculture in the United States Coast Guard. I don't want to be the emperor with no clothes, that we have a subculture in the Coast Guard that does not fully embrace diversity to include the role that women—the vital role that women serve in the United States Coast Guard today. Because that is a leadership issue that a commandant of the Coast Guard can address and can fix.

The good news is, a lot of our women, when they do leave active duty, they affiliate with the Coast Guard Reserve. And so they still want to serve in the United States Coast Guard. But before we start a program, we need to understand the problem, and then come up with solutions.

Today, our United States Coast Guard Academy is nearly 40 percent female. We didn't have women when I went to the Coast Guard Academy, back in 1973. And they serve in every field across the Coast Guard.

So, when you take somebody out of service, at 10 to 12 years of service, well, it took 10 to 12 years to grow that competency. And so you don't recover overnight. You can't bring somebody new into the Coast Guard and fill that void. So, this is—one, it is a diversity issue for me. It is also a readiness issue for me. And it may be a leadership issue for me as well.

So we will provide full disclosure on the findings of this report, to include if it points to, you know, we have a subculture in our Coast Guard that is not hospitable to women.

Ms. ROYBAL-ALLARD. Yes, well, what is the timeline in completing this?

Admiral ZUKUNFT. I believe it will be done in the next year. So we awarded the contract to embark on this early—very early this year.

Ms. ROYBAL-ALLARD. OK. And I want to follow up on the questioning of Mr. Taylor. The Guard sustained significant damage during the last hurricane season. Buildings and facilities were damaged, as well as utility systems and navigation aids, and aviation assets were used more frequently during the response, requiring accelerated maintenance.

And as was stated in February, Congress provided \$835 million in supplemental funding to address the storm. As we said, there—this is a huge amount of—of funding, and it would be difficult for any agency to execute. And you were talking about a 5-year plan.

My questioning has to do more with the fact that the current hurricane season begins on June 1st. And so I have a series of questions here. First, can you update us on the status of these projects? Does the Coast Guard have enough personnel to manage and execute repairs and maintenance, and is there anything that this subcommittee can do to help facilitate these activities so that you will in fact be ready for the coming hurricane season? Especially if we have something like we had last year.

Admiral ZUKUNFT. Yes, Ma'am—Ranking Member. And so, I guess I would begin—if—if—you know, starting where—Port Aransas, Texas, where a tornado devastated our—our small boat station

there. So work is already ongoing to restore that. We made it through this hurricane season with a shortage of \$77 million of restoration funding from Hurricane Matthew the year before.

We had small boat stations along the Florida coast operating out of temporary facilities, and now those temporary facilities are gone, as well. So we have been able to prioritize, you know, where we cannot meet mission. And so those are the projects that are queued up first. The administrative buildings—yes, it does affect operations, but we have a very deliberate approach of how we are going to reconstitute those.

Puerto Rico, the U.S. Virgin Islands—the challenges there is the workers. But again, this money for shore acquisition construction and infrastructure is 5-year money. So, I am not concerned about our ability to award, obligate, and expend the funding to do that, but I want to make sure we are getting the right quality of work.

So the area right now that we are most vulnerable is going to be in the U.S. Virgin Islands. We did a lot of great work in building housing in Puerto Rico, so very little of our—our Coast Guard-owned housing faced destruction, unlike the 700 other members of the Coast Guard who went home and found out that their home had been destroyed in Florida and in Texas, as well.

Ms. ROYBAL-ALLARD. OK. I see my time is up.

Mr. CULBERSON [presiding]. Thank you very much. Chairman Carter will return in just a moment. Admiral, on behalf of the people of Houston, I wanted to first of all address our profound gratitude for the extraordinary efforts that the Coast Guard engaged in to save lives during the Hurricane Harvey.

Your team was extraordinary. When the 911 call centers in Houston were overwhelmed, your team in Houston, the Coast Guard, quickly set up an emergency operations center, which triaged all the calls from those who were stranded by the flood waters, and dispatched boats and helicopters to rescue those who were most in need.

During the storm, the Coast Guard deployed an additional 1,400 personnel from units as far away as Alaska and Puerto Rico to help the people of Houston. You sent 34 helicopters, 69 shallow water vehicles, and 7 fixed wing aircraft to help us during the height of the storm. Your helicopters flew over 900 hours, and fixed wing aircraft flew 370 hours in support of rescue operations.

I am told that during one 8.2 hour launch, air station Cape Cod MH60 helicopter dodged heavy thunderstorms and massive rainfall to—using street addresses and Google Maps to navigate to survivors, and conduct 24-hour hoist rescue. It was just an extraordinarily agile response that exemplifies the Coast Guard's motto of "always ready." We are immensely proud of you.

You saved over 11,000 lives that were either assisted directly or indirectly by the United States Coast Guard. Those 11,000 Houstonians and Texans are alive today because of the work of the Coast Guard. We don't know how many lives would have been lost had you not been there for us. All the people of Texas and Houston are immensely grateful to you.

It is a remarkable record, and we congratulate you and your team on a job well done. And we are especially grateful to the

Coast Guard Sector Houston and Galveston, and Air Station Houston for their role in this historic rescue effort.

I wanted to ask you, what are some of the lessons that you think we have learned? And what could this subcommittee do to help the Coast Guard in the future to make sure that you can respond just as effectively as you did during Harvey?

Admiral ZUKUNFT. Thank you, Congressman, and I think my good friend and FEMA Administrator, Brock Long, would first congratulate the state of Texas. You know, and a very resilient state, and a very proactive community, and what I would say, “Texans helping Texans.” It wasn’t just the Coast Guard. We had the Cajun Navy there, as well.

It really brought out the best of what this Nation is about. Neighbors helping neighbors. But what we did learn in the middle of this, when that 911 call center went down, we were operating on social media. We had a Twitter account. And so there was an 800-number there, which is my Coast Guard Headquarters—we have a small command center that notifies senior officials of big events.

We were getting a thousand phone calls an hour. That 5-person team became an 80-member call center. It looked like a March of Dimes telethon. But these are calls—“I am on a roof,” “Water is up to our necks,” “I need dialysis treatment.”

Your emergency management center provided us with an application called GeoSuite, and we were able to bring that into the Department of Defense information network, with the approval of Admiral Rogers, so that we could in real time take a call, push that to a helicopter pilot on an iPad, and vector them to where we had Texans in distress. The cycle time of that was about 10 minutes.

So what we learned is that people don’t necessarily rely on 911 call centers. This is very much like Uber or Lyft, in some other application. The only difference is the streets that you were going to use are now navigable waters, and it—you can’t drive.

So how do you use social media in a response right now? What happens when you lose communications? We were fortunate that you—we didn’t lose the entire communication grid in the state of Texas. But we certainly learned the relief societies, providing food, providing meals, and how do you bring all of that together? And that response framework worked extremely well during this. But at the end of the day, very resilient community.

If I learned anything, if I were to step back and say, “Well, what if the sequence of events were reversed, and the first hurricane was Maria, and then the second one was Irma, and then the last one was Harvey?” I would have been hard-pressed, pulling resources out of Puerto Rico to then flow back to Florida and Louisiana into Texas.

And so, we were a little bit fortunate that they happened in the sequence and the timing that they did, but if the sequence was reversed, I probably would not have had the resources that were needed to be there during Hurricane Harvey. So when people say, “Well, obviously, you must have a big enough Coast Guard”—many people say they were lucky. We were lucky by virtue of the sequence in which these three hurricanes occurred.

Mr. CULBERSON. An extraordinary job, and we are all grateful to you. And every one of us that were there during the storm would up doing jobs we didn't expect to do. My wife and I were stranded in our home, and I became a dispatcher.

I was helping to position checkpoints with the Houston Police Department, with the sheriff's department, with DPS, and then I got a phone call from Garret Graves, who called to say he was—he had—the Congressman from Louisiana had a hundred in—a hundred trailers and trucks bringing 110 boats full of jambalaya, and diapers, and water, and food, and radios, and—something called the “Cajun Navy,” which I had not heard of, and he wanted to know where to send them, because he wasn't getting a lot of help, he needed to know where to send them.

So I was able to direct him pretty quickly to where they needed to go. So, they—the response was amazing. I met people in neighborhoods when I was out in the neighborhoods helping folks after the storm, helped get their houses cleaned out, and we met people from Michigan, from Florida, from the Carolinas, who had just spontaneously seen the disaster, put their boat on a trailer, and just come to Texas to help.

So I could not have been prouder. I have never been prouder of the city of Houston than I was during that storm, and certainly never been prouder of the United States Coast Guard for the spectacular job that you did, sir. And you have always had the strong support of this committee, but you have got an even stronger ally here among the Texans on board here for what you did to help us during Harvey.

Thank you, Mr. Chairman, and thank you, Admiral.

Admiral ZUKUNFT. Congressman, I am just going to have make you an honorary member of the Coast Guard, then. Thank you for your leadership in that time of disaster.

Mr. CARTER [presiding]. Mr. Price?

Mr. PRICE. Thank you, Mr. Chairman. Admiral, I have—as we wrap up here, I have a couple of very different questions, one having to do with transgender military members, the other having to do with semisubmersibles. I assume the second is simpler, so I will start with that.

There has been an increasing number of migrant and drug smuggling by sending semisubmersible technologies to our Nation's coasts. So we are aware of that. And so it does raise the question of Coast Guard capacity. Do you have the anti-submarine warfare capacity to detect semisubmersibles from a Coast Guard Cutter? What is it? What kind of equipment and other needs does this development pose?

Admiral ZUKUNFT. Congressman, we do not have the anti-submarine sensors in any of our Coast Guard Cutters. That is a naval capability. The one advantage is these are not fully submersible, and we have other means of detecting their activity. The most successful means of detection, quite honestly, is human beings.

And these individuals that we bring in to be prosecuted here in the United States, they can cut a deal with the U.S. attorney, and instead of doing 20 years, they do 12. Now, how do they get 8 years taken off their sentence time? They provide us—information to in-



clude, where are these semisubmersibles, where are they loading, and where are they leaving from?

So then we can do surveillance in those areas and catch them as they leave. But that has been the most valuable tool that we have right now, where—I want to say success yields success. Success in an interdiction, you bring in informants that then tip you off to the next event to get after these semisubmersibles.

Mr. PRICE. So it sounds as though the main strategy for dealing with this is not technological.

Admiral ZUKUNFT. Part of it is human, and then other—what I would say, as a member of the National Intelligence Community, which the Coast Guard is, using all other sources of information—which gets into a classified realm—to be able to target these semisubmersibles. They have to communicate, and so that is an area where they are also vulnerable.

Mr. PRICE. Thank you. Well, let me turn to this fraught question of the transgender military members. As you know, in July 2017, the President announced via Twitter a complete ban on transgender people serving in the Armed Forces. A few months later, the Departments of Defense and Justice recommended the full implementation of this ban.

It seems to me this is an invented problem and a waste of time and dollars and military resources by targeting these dedicated service members who have proved their fitness and their ability to serve. It would seem that every American who is qualified and willing to risk their life to keep our country safe should be able to serve.

I want to commend you for strongly speaking out against the ban last summer in support of the current transgender Coasties. But this is an ongoing matter, and that is why I would like you to provide us with an update on the Coast Guard's position regarding transgender individuals, both current service members and future hires, and ask you, if I might, what is your posture with respect to the apparent determination of Secretary Mattis and Secretary Sessions to implement a ban?

There are pending judicial procedures. Is the Coast Guard contesting this—what can you tell us about the state of play?

Admiral ZUKUNFT. Well, the—the easiest—I will begin with our—the 17 members of—transgender members of the Coast Guard—actually, they transitioned, so they are not even transgender anymore—that—that are serving in the Coast Guard, carrying out the full scope of missions that we execute around the world today—17, out of our more than 40,000 active duty Coast Guard. One of them happens to serve on my staff, by the way.

So we are certainly committed to their continued service in the United States Coast Guard.

I work with the chairman, I work with the other service chiefs as we look at the policy going forward. There—you know, risk factors, and whether it is through surgery, whether it is through emotional wellbeing and the like, and so we will make sure that there is a one policy for all service members, of which we are the fifth armed service.

So the Coast Guard, nor will the Navy, Army, Air Force, and Marine Corps go off in a different direction with a different approach,

but we are all sitting at the table together, and then providing the chairman, to provide elected leadership—what I call, “best military advice” going forward.

But I look no further than the 17 members serving today with a passion to serve in an all voluntary service, and they are hitting the ball out of the park. Where we go with a policy going forward—again, we will work collectively, among the Joint Chiefs, provide best military advice, and then we will follow what that policy is. But are you are well aware, that—that has not been reconciled as of today.

Mr. PRICE. That best—that good advice, that conscientious advice, of course, is extremely important, and I am glad you are offering it so straightforwardly.

Thank you, Mr. Chairman.

Mr. CARTER. Well then—well, Admiral, I think that is going to conclude your last hearing. I join all of the—my colleagues in congratulating you on doing a very, very good job for our Coast Guard. And all of us here are very, very proud of the Coast Guard. I got proud of them going all the way back to New Orleans, when they were the first ones in and got the job done when everybody else messed up.

So, thank you, good luck, aloha—I know where you are going—and enjoy a great retirement, and our doors are always open to you and your beautiful wife any time you want to come around this city and visit us. We would love to see you. God bless.

Admiral ZUKUNFT. OK. Thank you, Chairman, Ranking Members, and members of this committee. Thank you.

THURSDAY, APRIL 26, 2018.

## MEMBERS' DAY

Mr. CARTER. The committee will come to order. We are going to hear from Members of Congress today, issues that they have that they will talk to us about their department and let us know what they need. Billy Long, you are recognized.

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### HON. BILLY LONG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. LONG. Thank you, Mr. Chairman and Ranking Member Roybal-Allard, is that how you pronounce it, and members of the subcommittee. Thank you for allowing me to come before you today to speak on the importance of H-2B seasonal worker Visa program. Many of us in this room represent districts with various small and seasonal businesses that are struggling to find local workers to fill seasonal temporary jobs. Many of these businesses depend on seasonal workers through the H-2B visa program. Relief for these seasonal businesses is urgently needed and cannot wait, and I am here today to ask for your support to include key H-2B visa program provisions in the Department of Homeland Security Appropriations fiscal year 2019 proposal.

H-2B visas, the H-2B—excuse me, the H-2B program is essential to employers who cannot find workers to fill temporary jobs in seafood processing, horse training, hospitality, amusement parks, forestry, landscaping, circuses, carnivals and many other seasonal industry. It is important to point out that these workers are not immigrants. They provide an opportunity for businesses to operate at a greater capacity, retain their fulltime workers and contribute to the local economies.

The H-2B program sustain American jobs. In fact the H-2B visas issued support 4.6 American jobs on average. Unfortunately, the program's annual 66,000 visa cap, 33,000 for each half at the fiscal year is not adequate to meet the demands of the growing economy. In fact, the cap for seasonal half of fiscal year 2018 was reached February 27, 2018, leaving many seasonal employers excluded from the program with no access to legal, seasonal laborers, leading to potential reductions and operating hours and closures. Without action, it is inevitable that the H-2B visa cap will be reached early in fiscal year 2019. An increase to the H-2B visa allotment from the existing 66,000 visas would certainly be a big step in the right direction.

Often the cap is reached literally within days of when work petition applications are accepted, the program has essentially become a lottery as the demand for visas is far greater than what is issued. I understand firsthand the importance of this program, Missouri's

seventh congressional district which I represent is a tourism hot spot, I am proud to represent such entertainment centers as Branson, Missouri, a small town in just over 11,000 people taking in 8.5 million visitors every year.

I would like to point out that a lot of residents are retirees and you have seen the ad on TV, I am 85 and I want to go home. People that have to work until they are 85 and there is not a log of people retired in Branson that could take these jobs that need to be filled.

The deficiency in finding available employees in Branson affects everything from hotels to restaurants to theme parks, to landscaping businesses. These are employers that have tried for years to fill the need for employees with locals and have been unable to do it. The H-2B program provides the Branson community and many other destination—destination cities across the country the ability to find employees so they can provide their services to the public. These seasonal destinations are very much—excuse me, the seasonal destinations are very much dependent on such a program for the commerce in the to effectively function. Simply put, there are just not enough able individuals to fill these job openings.

It doesn't take a PhD from MIT to figure out in a town like Jackson, Wyoming at 10,000 people or Branson, Missouri of 11,000 people, these tourist areas to bring in millions of tourists every year, that you are not going to have the local population, if everyone there wanted to work three shifts, three times, you wouldn't have the number. So I plead with you to please look at increasing the 66,000 cap.

Again, I appreciate the committee's continued willingness to listen to the views of members like myself. I know the Appropriations Committee will face tough decisions on priorities for fiscal year 2019. For this reason, I respectfully ask for you to support—for your support to include key H-2B visa program provisions in the Department of Homeland Security Appropriations fiscal year 2019 proposal.

[The information follows:]

**Rep. Billy Long (MO-7) Member's Day Testimony for the Record**

House Committee on Appropriations

Subcommittee on Homeland Security

Thursday, April 26, 2018

**Opening**

Good afternoon Chairman Carter, Ranking Member Roybal-Allard and Members of the Subcommittee. Thank you for allowing me to come before you today to speak on the importance of the H-2B seasonal worker visa program.

Many of us in this room represent districts with various small and seasonal businesses that are struggling to find local workers to fill seasonal, temporary jobs. Many of these businesses depend on seasonal workers through the H-2B visa program. Relief for these seasonal businesses is urgently needed and cannot wait. I am here today to ask for your support to include key H-2B visa program provisions in the Department of Homeland Security Appropriations Fiscal Year 2019 proposal.

**H-2B Visas**

The H-2B program is essential to employers who cannot find American workers to fill temporary jobs in seafood processing, horse training, hospitality and amusement parks, forestry, landscaping, circuses, carnivals, and many other seasonal industries. It is important to point out that these workers are not immigrants. They provide an opportunity for businesses to operate at a greater capacity, retain their full-time workers and contribute to their local economies. The H-2B program sustains American jobs. In fact, every H-2B visa issued supports 4.6 American jobs on average.

Unfortunately, the program's annual 66,000 visa cap (33,000 for each half of the fiscal year) is not adequate to meet the demands of a growing economy. In fact, the cap for the second half of the fiscal year 2018 was reached on February 27, 2018, leaving many seasonal employers excluded from the program with no access to legal seasonal laborers, leading to potential reductions in operating hours and closures. Without action, it is inevitable that the H-2B visa cap will be reached early on in the fiscal year 2019. An increase in the H-2B visa allotment from the existing 66,000 visas would certainly be a big step in the right direction. Often, the cap is reached literally within days of when work petition applications are accepted. The program has essentially become a lottery, as the demand for visas is far greater than what is issued.

### **Missouri and H-2B Visas**

I understand first-hand the importance of this program. Missouri's Seventh Congressional District, which I represent, is a tourism hotspot. I am proud to represent, such entertainment centers as Branson, MO., a small town of just over 11,000 taking in 8 ½ million visitors every year. The deficiency in finding available employees in Branson affects everything from hotels, to restaurants, to theme parks, to landscaping businesses – these are employers who have tried for years to fill the need for employees with locals and have been unable to do so. The H-2B program provides the Branson community and many other destination cities across the country the ability to find employees so they can provide their services to the public. These seasonal destinations are very much dependent upon such a program for the commerce in the area to effectively function. Simply put, there are just not enough able individuals available to fill the job openings.

### **Conclusion**

Again, I appreciate the Committee's continued willingness to listen to the views of Members like myself. I know the Appropriations Committee will face some tough decisions on priorities for fiscal year 2019. For this reason, I respectfully ask for your support to include key H-2B visa program provisions in the Department of Homeland Security Appropriations Fiscal Year 2019 proposal.

Mr. CARTER. Thank you, Mr. Long—Congressman Long. Do you have any comments and questions really quick?

Ms. ROYBAL-ALLARD. Not really other than to say thank you.

Mr. LONG. OK, thank you all very much. I appreciate your consideration.

Mr. CARTER. Yeah, we understand the dilemma, we hear it from everybody, it is a challenging area, but we—I support H-2Bs and we are going to—we will work, again, try to get some expansion. We also will some issues the White House has with H-2Bs that we have got to overcome.

Mr. LONG. I have been talking to them too and I got—I think they are leaning that way.

Mr. CARTER. Keep them—keep at them. And I apologize to Ms. Roybal-Allard, I didn't make an opening statement, you? OK, it makes it easy.

All right, we are joined by Brad Schneider. Brad, are you ready to go?

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**HON. BRAD SCHNEIDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. SCHNEIDER. I am all set, thank you. Thank you, Chairman Carter, Ranking Member Roybal-Allard and the distinguished colleagues of the subcommittee, thank you for this opportunity to speak before the committee. I am here today to request robust funding for the Department of Homeland Security, specifically for four programs of particular importance to the residents of my district and our country.

The United States has always been a nation of immigrants, a shining beacon of hope for those fleeing oppression and seeking a better life. I testified before this subcommittee last year and since that time I have participated in a handful of naturalization ceremonies in my congressional district. I can't begin to explain how meaningful it is to experience these ceremonies, especially meeting the individuals now proudly call themselves Americans.

My grandmother, my great grandparents came to the United States in the early 1900s fleeing the persecution of—of Jews in Tsarist Russia. This country gave her and her family, my family boundless opportunities and they were able to make a wonderful life for themselves. That is why I am committed to both ensuring the safety and security of the American people and also ensuring our country remains a beacon for immigrants and a land of opportunity for all.

I vehemently oppose President Trump's travel ban that arbitrarily bars entry of people seeking refuge from certain countries into this country. His travel ban does nothing to target the root causes of terrorism, does not make our country safer and undermines the very values that define our nation. The Department of Homeland Security's U.S. Citizenship and Immigration Services, USCIS, plays an important role in processing applications for those seeking entry into the United States as asylum seekers or through the U.S.—through other U.S. humanitarian programs.

USCIS faces major backlogs and delays when processing applications, so I continue to urge this committee to work with them and



other agencies involved in refugees screening processes to identify whether there are ways to improve and ensure the timely processing of refugee and asylum applications.

I also urge the committee to continue funding for the Urban Area Security Initiative, UASI program, which assists high threat urban areas to build and sustain the necessary capabilities to prevent, mitigate, respond to and recover from acts of terrorism. I have heard from emergency responders across my district about the importance of this program in keeping our communities safe. UASI funds are critical to the first responders as well as enabling regional coordination across districts and states.

Additionally, I would like to highlight one specific program within UASI that is of critical importance. This is the Nonprofit Security Grant Program, NSGP. The NSGP was created to—so at-risk nonprofit organizations that serve our community centers have the resources they need to protect themselves against potential threats. These funds may be used for important capital improvements to upgrade much needed security measures. Underscoring the need for this program is the troubling rise of domestic extremism and hate incidents across the country.

According to the Southern Poverty Law Center, the number of hate groups increased by four percent from 2016 to 2017, from 917 to 954 respectively. Additionally the Anti-Defamation League found that Anti-Semitic incidents increased 57 percent, 57 percent from 2016 to 2017. That is 1,267 incidents in 2016 to 1,986 incidents in 2017. These statistics exemplify the threats nonprofit organizations across the country face and the need to take these threats seriously.

Therefore I urge this subcommittee to continue this critical funding for NSGP. Finally, I would like to discuss the importance of the assistant to firefighter grant AFG and staffing for adequate fire and emergency response, SAFER grant programs. Fire departments and emergency response personnel in my Congressional district have benefited greatly from these programs. They provide much needed resources including personnel, training and equipment.

AFG and SAFER have had an enormous impact on public safety, but the demand for these resources continue. I urge the committee to continue to fund these vital grant programs that help keep our communities safe. I realize the tough budgetary decisions that lie before this subcommittee and I greatly appreciate your consideration of my priorities, your willingness to let us come and speak before you and your work in addressing the fiscal requirements for fiscal year 2019.

Thank you.

[The information follows:]

**Written Testimony for Homeland Security Subcommittee, Appropriations**

Hon. Brad Schneider, Illinois's Tenth Congressional District

April 26, 2018

Mr. Chairman, Ms. Ranking Member, and distinguished colleagues of the Subcommittee, thank you for this opportunity to speak before the Committee. I am here today to request robust funding for the Department of Homeland Security, specifically for four programs of particular importance to the residents of my district and our country.

The United States has always been a nation of immigrants and a shining beacon of hope for those fleeing oppression and seeking a better life. I testified before this subcommittee last year and since that time I have participated in a handful of naturalization ceremonies in my congressional district. I can't begin to explain how meaningful it is to experience these ceremonies, especially meeting the individuals who now proudly call themselves Americans.

My grandmother and great-grandparents came to the United States in the early 1900's, fleeing the persecution of Jews in czarist Russia. This country gave her and her family boundless opportunities and they were able to make a wonderful life for themselves. That is why I am committed to both ensuring the safety and security of the American people, and also ensuring our country remains a beacon for immigrants and land of opportunity for all.

I vehemently oppose President Trump's travel ban that arbitrarily bars entry of people seeking refuge from certain countries into this country. His travel ban does nothing to target the root causes of terrorism, does not make our country safer, and undermines the very values that define our nation.

The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) plays an important role in processing applications for those seeking entry into the United States as asylum seekers, refugees, or through other U.S. humanitarian programs. USCIS faces major backlogs and delays when processing applications, so I continue to urge this committee to work with them, and other agencies involved in the refugee screening process, to identify whether there are ways to improve and ensure the timely processing of refugee and

asylum applications.

I also urge the Committee to continue funding for the Urban Area Security Initiative (UASI- pronounced U-AHH-SY) program, which assists high-threat urban areas to build and sustain the necessary capabilities to prevent, mitigate, respond to and recover from acts of terrorism. I have heard from emergency responders across my district about the importance of this program in keeping our communities safe. UASI funds are critical to first responders as well as enabling regional coordination across districts and our state.

Additionally, I'd like to highlight one specific program within UASI that is of critical importance. This is the Nonprofit Security Grant Program (NSGP). The NSGP was created so at-risk nonprofit organizations that serve as community centers have the resources they need to protect themselves against potential threats. These funds may be used for important capital improvements to upgrade much needed security measures.

Underscoring the need for this program is the troubling rise of domestic extremism and hate incidents across the country. According to the Southern Poverty Law Center the number of hate groups increased by 4 % from 2016 to 2017 (from 917 to 954, respectively). Additionally, the Anti-Defamation League found that anti-Semitic incidents increased 57% from 2016 to 2017 (1,267 incidents and 1,986 incidents, respectively).

These statistics exemplify the threats non-profit organizations across the country face and the need to take these threats seriously. Therefore, I urge this subcommittee to continue this critical funding for the NSGP.

Finally, I would like to discuss the importance of the Assistance to Firefighter Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs. Fire departments and emergency response personnel in my congressional district have benefitted greatly from these programs, which provide much needed resources, including personnel, training, and equipment. AFG and SAFER have had an enormous impact on public safety, but

the demand for these resources continues. I urge you to continue to fund these vital grants programs that help keep our communities safe.

I realize the tough budgetary decisions that lie before this subcommittee and appreciate your consideration of my priorities and requests for fiscal year 2019.

Mr. CARTER. Thank you, Congressman Schneider and yes, we do pay a lot of attention to these comments when people come in and we certainly will take them into consideration. We have notes of what you just said and we all read them and we will do the best we can to accommodate you.

Mr. SCHNEIDER. Thank you very much. Have a wonderful day.

Mr. CARTER. Ms. Roybal-Allard, any comment?

Ms. ROYBAL-ALLARD. Again just thank you for highlighting some very critical programs.

Mr. SCHNEIDER. Thank you.

Mr. CARTER. Anyone else on the committee would like to comment? Thank you very much.

Mr. SCHNEIDER. Thank you, have a great day.

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**HON. BILL JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. CARTER. Congressman Johnson. Welcome.

Mr. JOHNSON. Thank you, Mr. Chairman. I assume I am recognized.

Mr. CARTER. You are now recognized. Yes, you are.

Mr. JOHNSON. OK, well thank you. Well, thank you, Mr. Chairman and thanks to the committee for holding this important hearing today and providing me with an opportunity to say a few words. As some of you might know, I represent eastern and southeastern Ohio and I am here today to speak about the importance of resolving the current H-2B visa shortage directly impacting small businesses, seasonal businesses, particularly in my district and around the country.

Earlier this month, in her testimony before this subcommittee, Secretary Nielsen stated that one of the core missions of the Department of Homeland Security is to preserve and uphold the nation's prosperity and economic security. Unfortunately, this critical mission continues to be impeded every year as the demand for H-2B visas surpasses the annual cap, leaving thousands of small seasonal businesses in jeopardy of closing their doors when their labor needs go unfulfilled.

Our Nation's prosperity and economic security is highly dependent upon the quality and quantity of workers and with nearly six million unfilled jobs across the United States, it should come as no surprise that businesses continue to suffer from this nationwide labor shortage when it comes to meeting their seasonal needs. Put simply, seasonal businesses need the resources to do the jobs that are available and the federal H-2B visa program provides a solution to the current labor shortage by enabling companies that qualify for the H-2B visa program to acquire temporary foreign workers to fill non-agricultural positions.

The H-2B visa program is a small but necessary part of American economic landscape, helping to create and sustain jobs in my district and across the country. According to a U.S. Chamber of Commerce survey of employers, hiring H-2B visa workers allows companies to sustain and expand the volume of their business and this in turn enables them to hire more U.S. workers.

This temporary worker program is critical for many seasonal businesses, but it is by no means perfect. As the nationwide labor shortage continues, the seasonal businesses relying on the H-2B visa program are facing yet another challenge this year when it comes to obtaining the necessary workforce. The current demand for H-2B visas has again surpassed the annual cap of 66,000 per fiscal year.

Now, I fully acknowledge that Congress bears some responsibility for this problem, because up until 2016 employers could get an exemption for returning guest workers, thereby not counting against the caps. That exemption expired in 2016 and Congress has not been able to reauthorize it. But in the recently passed consolidated appropriations act for fiscal year 2018, Congress did give DHS the authority to increase the caps by another 63,000 and DHS should do that.

On March 1, 2018, the U.S. Citizenship and Immigration Services announced that employers sought several thousand more seasonal farm workers this spring than there are visas available, resulting in a lottery for the H-2B visas, the first time a lottery has ever been conducted for H-2B visas.

Such a lottery method gives no consideration to the many small seasonal businesses that have had returning guest workers for years and their business models have made them dependent on this workforce for their very survival. We are in uncharted waters when it comes to the federal H-2B visa program and in order to carry out its mission to preserve and uphold the nation's prosperity and economic security, Secretary Nielsen must provide these businesses with a sustainable H-2B cap relief. Small and seasonal businesses are desperate, as participation in the H-2B program is not their first choice. It is the last resort after unsuccessfully carrying out extensive recruitment efforts to secure American workers.

My district is home to many amusement and landscaping companies that will face irreparable harm if the Department of Homeland Security does not provide H-2B visa cap relief immediately. In fact, 66 percent of businesses seasonal labor needs will go unfulfilled this spring without immediate action according to the Ohio Landscape Association.

In fact, without substantial and immediate cap relief, some of the very same small businesses that we work so hard to help with the Tax Cuts and Jobs Act are at risk of losing everything because they can't get their seasonal workers. One of my constituents, Chris Ponzani of the Ponzani Landscaping Company, will be unable to meet his business obligations and will be forced to default on his contracts, lay off dedicated fulltime U.S. workers, cancel orders with U.S. vendors and in the worst case scenario, he will have to close his 27-year business if additional H-2B visas are not released.

This is just one of the many seasonal businesses in my district that are facing the same uncertain future because they can't obtain legal H-2B visa workforce. I know members on this committee are no strangers to stories like this, as similar stories have emerged in states and districts across America, so I am hopeful everyone here can agree when I say we need immediately substantial H-2B visa cap relief, and we must do everything we can to urge Secretary

Nielsen and the Department of Homeland Security to make additional H-2B visas available just like we told them they could do recently in the legislation that passed and was signed into law. And this is going to help the small and seasonal businesses that we work so hard to protect, the 60 percent of businesses that provide the 60 percent—or I am sorry, the small businesses that provide over 60 percent of the jobs in America.

And, Mr. Chairman, it is a desperate situation. We saw it happen last year as it unfolded and—and this lottery system is just totally, totally unfair and inconsiderate of businesses that have been out there for years and they are—they are victims of inaction by Congress and an agency that for whatever reason is moving too slowly to try and remedy the problem in the near term. So I urge the committee to do what they can to help them with that. I yield back and I will answer any questions that you might have.

[The information follows:]

**Testimony of Congressman Bill Johnson (OH-6)  
Before the Committee on Appropriations  
Subcommittee on Homeland Security  
United States House of Representatives  
April 26, 2018**

Thank you, Mr. Chairman, for holding this important hearing today, and providing me with an opportunity to say a few words. As some of you might know, I represent rural Eastern and Southeastern Ohio, and I am here today to speak about the importance of resolving the current H-2B visas shortage directly impacting small and seasonal businesses in my district, and around the country.

Earlier this month, in her testimony before this subcommittee, Secretary Kirstjen Nielsen stated that one of the core missions of the Department of Homeland Security is to preserve and uphold the nation's prosperity and economic security. Unfortunately, this critical mission continues to be impeded every year, as the demand for H-2B visas surpasses the annual cap, leaving thousands of small seasonal businesses in jeopardy of closing their doors when their labor needs go unfulfilled.

Our nation's prosperity and economic security is highly dependent on the quantity and quality of workers, and with nearly 6 million unfilled jobs across the United States, it should come as no surprise that businesses continue to suffer from this nationwide labor shortage when it comes to meeting their seasonal needs.

Put simply, seasonal businesses need the resources to do the jobs that are available and the federal H-2B program provides a solution to the current labor shortage by enabling companies



that qualify for the H-2B program to acquire temporary foreign workers to fill non-agricultural positions.

The H-2B program is a small, but necessary part of the American economic landscape, helping to create and sustain jobs in my district and across the country. According to a U.S. Chamber of Commerce survey of employers, hiring H-2B workers allows companies to sustain and expand the volume of business they do, and this in turn enables them to hire more U.S. workers.

This temporary worker program is critical for many seasonal businesses, but it is by no means perfect. As the nationwide labor shortage continues, the seasonal businesses relying on the H-2B program are facing yet another challenge when it comes to obtaining the necessary workforce—the current demand for H-2B visas has again surpassed the annual cap of 66,000 per fiscal year.

Now, I fully acknowledge that Congress bears some responsibility for this problem...because, up until 2016, employers could get an exemption for returning guest workers, thereby not counting against the caps. That exemption expired in 2016, and Congress has not been able to reauthorize it. But, in the recently passed Consolidated Appropriations Act for fiscal year (FY) 2018, Congress did give DHS the authority to increase the caps by another 63,000...and, DHS should do that.

On March 1, 2018, the U.S. Citizenship and Immigration Services (USCIS) announced that employers sought several thousand more seasonal foreign workers this spring than there are visas available, resulting in a lottery for the H-2B visas—the first time a lottery has ever conducted for

H-2B visas. Such a lottery method gives no consideration to the many small seasonal businesses that have had returning guest workers for years, and their business models have made them dependent on this work force for their very survival.

We are in uncharted waters when it comes to the federal H-2B program, and in order to carry out its mission to preserve and uphold the nation's prosperity and economic security, Secretary Nielsen must provide these businesses with a substantial H-2B cap relief. Small and seasonal businesses are desperate, as participation in the H-2B program is not their first choice—it's a last resort after unsuccessfully carrying out extensive recruitment efforts to secure American workers.

My district is home to many amusement and landscaping companies that will face irreparable harm if the Department of Homeland Security does not provide immediate H-2B cap relief. In fact, 66 percent of business' seasonal labor needs will go unfulfilled this spring without immediate action, according to the Ohio Landscape Association. In fact, without substantial and immediate cap relief, some of the very same small businesses that we worked so hard to help with the Tax Cuts and Jobs Act are at risk of losing everything because they can't get their workers.

One of my constituents, Chris Ponzani of The Ponzani Landscaping Company, will be unable to meet his business obligations and will be forced to default on his contracts, lay off dedicated full-time U.S. workers, cancel orders with U.S. vendors, and in the worst case scenario, he will have to close his 27-year business—if additional H-2B visas are not released. This is just one of many

seasonal businesses in my district that are facing the same uncertain future because they can't obtain a legal H-2B workforce.

I know Members on this committee are no strangers to stories like this, as similar stories have emerged in states and districts across America. So, I am hopeful everyone here can agree when I say: we need immediate, substantial H-2B cap relief and we must do everything we can to urge Secretary Nielsen and the Department of Homeland Security to make additional H-2B visas available to the small and seasonal businesses in our districts.

Mr. Chairman, I yield back my time.

Mr. CARTER. Thank you. Are there any—Lucille?

Ms. ROYBAL-ALLARD. This is a serious issue and I thank you for being here.

Mr. JOHNSON. Thank you, ma'am.

Mr. CARTER. Comment?

Mr. NEWHOUSE. Thank you, Mr. Chairman. I just want to thank Mr. Johnson for shedding light on this issue. It is all over the country. You are absolutely right even up in the Pacific Northwest and you and Mr. Long will bring a very important issue forward and hopefully we can do something to remedy the situation. Thank you.

Mr. JOHNSON. With the committee's indulgence, can I give one more example? County fairs, county fairs, rural America, that is the heartbeat. I mean that is where life happens in rural America. If you can't get merry go rounds and roller coasters and vendors set up for county fairs and they have to cancel those county fairs, 4H livestock shows, demolition derbies, arts and crafts, you name it, the heartbeat of our country is at risk here of shutting down because of a glitch here in Washington, D.C. Please urge the Department of Homeland Security to move immediately to do what Congress has given them the power to do and allocate those additional 63,000 H-2B visas for this year.

We will work on a bigger solution next year, but let us get the problem solved this year and get it solved now. Waiting until July and August, many of those businesses will have already been shut down because the contracts will be too late, the field will be too wet to plow.

Mr. CARTER. Yes, Mr. Cuellar, go ahead.

Mr. CUELLAR. Thank you, Mr. Chairman. I agree. Congress took some action and we are waiting for the administration. Mr. Chairman, I don't know if I am missing something, but I thought we are the ones that enact the laws. So if we did that, why are we waiting? Why can we not—I mean why do we have to wait? Because you are right, I mean I see that in different parts of my area also, they are waiting for this. And we changed it, so why are we waiting?

Mr. JOHNSON. I thank my colleague for asking that question. Here is my understanding of the problem. It is not a problem—well, first of all, Congress, as I mentioned, bear some responsibility because we allowed that returning guest worker exemption to expire back in 2016. That would have solved this whole problem because then businesses that have a history of getting these workers, they wouldn't even counted toward the caps and it would only be new businesses that we are dealing with.

So that is where Congress is culpable. But the problem is not so much in the House. We passed legislation out of the House that went to the Senate in the consolidated appropriations bill that we passed just a few weeks ago. It is the language in the Senate that makes this difficult, but the Department of Homeland Security can help us and help the American people by responding to the temporary fix we gave them to go ahead and just approve the caps up to 63,000. Let us worry about fixing a permanent fix next year.

I am trying to give Homeland Security a little bit of the benefit of the doubt. This is a problem that we created by letting that ex-

emption expire, but they can help us resolve it since we haven't been able to get it resolved legislatively.

Mr. CUELLAR. Mr. Chairman, I want to work with you and the Ranking Woman and, you know, it looks like it is a very bipartisan request and whatever we could do, you know, I want to help, Mr. Chairman.

Mr. CARTER. Well, to go on the record, I have raised the number every year since I have been chairman. In addition I supported the returning worker exemption that we should have that. It was a large, during the political season, a large uproar from the members of USCA and some other people that jammed that issue.

Mr. CUELLAR. Sure.

Mr. CARTER. They are concerned about people staying and all that stuff. It is a necessary need of the country everywhere we are. And just to give you another example, I have got 168,000 homes in Houston Texas above our normal 50,000 a year building rate that have got to be repaired and we don't have laborers to do it. And there is no bigger disaster than that, all those people around getting money from the government and living outside of their homes.

Mr. JOHNSON. In all due respect, Mr. Chairman, you guys are probably getting some of the seasonal workers that my folks ought to be getting because you have all of that work down there to do.

Mr. CARTER. I don't know. We have got them.

Mr. JOHNSON. But that is a good thing. That is a good thing that we got that much more work to do, but I appreciate the concern.

Mr. CARTER. Well, I am very much in favor of increasing this and we will be—I will be raising that issue.

Mr. JOHNSON. Well I thank the committee very much for indulging my time. Thank you very much. I yield back.

Mr. CARTER. Thank you.

Mr. CUELLAR. Mr. Chairman, if you are going to excuse me, I know you are a judge also, but I do have a federal judge from San Antonio, so I am going to say hello recognize Judge Xavier Rodriguez from San Antonio, one of our federal judges.

Mr. CARTER. We try to keep him in line, it is a lot of work. But you know him, so you know what we are talking about. Welcome, Judge.

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**HON. FRENCH HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS**

Mr. CARTER. Congressman French Hill from the great state of Arkansas.

Mr. HILL. Thank you, Judge. I am proud to be with you today and ranking member, thanks for having me and members, I appreciate the time to be together. Mr. Cuellar, as he departs. I appreciate the opportunity to testify in front of you today in support of the assistance to fire fighters grant program and the staffing for Adequate Fire and Emergency Response Act Program.

Fire departments need adequate staffing, equipment and training to keep our communities safe and these programs have a significant impact on our fire departments in my home state of Arkansas.

While I have been in office, fire departments in my district have received more than \$3 million of these grants, 13 individual fire departments have received over 19 awards, with the highest award being \$600,000 from North Little Rock Arkansas and the smallest being \$19,000 to Burnt Ridge Arkansas. This shows that even the smallest award changes the lives of those living in their communities.

With the \$19,000 received by the Burnt Ridge Fire Department, they were able to purchase thermal cameras, cameras which is a game changer when responding to serious calls. Burnt Ridge was also able to purchase a new brush truck. Before they received FEMA funding, they were using a converted 1965 military truck to transport water. In Arkansas' second congressional district, our departments need new self-contained breathing apparatus desperately especially in our smallest compartments, they are old and out dated and no longer are certified for operation.

Radios are also a big need. For example, the Little Rock Fire Department currently needs 90 mobile radios and 202 portable radios at a total cost of \$1.3 million. Finally, departments typically need turnout cabinets. Fire fighters are putting their lives on the line not just in the immediate risk of bodily harm, but in the increased risk of harmful contaminants. These units cost \$30,000 each which is well over the budget for most departments in my district. They need to have these units to clean their turnout gear after runs to remove harmful contaminants.

In Central Arkansas, we have a strong community spirit and the fire fighters know that if one department is able to purchase one of these turnout cabinets, then the area departments, especially volunteers, will be able to maintain their turnout gear safe and well. Assistance to fire fighter grant funding is necessary for fire fighter departments across my district.

Often the needs are too great for them to do it alone and we are proud to support them in their applications. These grants have changed their communities and make the area expeditiously, in my view, and immeasurably safer. Now, with your permission, Mr. Chairman, I will attach to my testimony the total grant awards in the second congressional district.

Mr. CARTER. Hearing no objection.

[The information follows:]

Congressman French Hill (AR-02)  
Subcommittee on Homeland Security  
Oral Testimony  
Date: Wednesday, April 25, 2018

Chairman Carter, Ranking Member Roybal-Allard, and members of the Subcommittee:

I appreciate the opportunity to testify in front of you today in support of funding for the Assistance to Firefighters Grant (AFG) and the Staffing for Adequate Fire and Emergency Response (SAFER) Act Grants.

Fire departments need adequate staffing, equipment, and training to keep our communities safe, and these programs have a significant impact on fire departments in my home state of Arkansas.

While I have been in office, Fire Department's in my district have received more than \$3 million in grants. Thirteen individual fire departments have received 19 grant awards.

With the highest award being \$600,000 to North Little Rock and the smallest being \$19,000 to Burnt Ridge.

This shows that even the smallest award changes the lives of those living in the community. With the \$19,000 received by the Burnt Ridge Fire Department, they were able to purchase thermal cameras which is a game changer when responding to serious calls.

Burnt Ridge was also able to purchase a new brush truck. Before they received FEMA funding, they were using a converted 1965 military truck to transport water.

In Arkansas's Second Congressional District, our departments need new Self-contained breathing apparatuses (SCBAs) desperately. Especially in our smaller departments. They're old and outdated and are no longer certifiable under operational standards.

Radios are also a big need. For example, the Little Rock Fire Department currently needs 90 mobile radios and 202 portable radio as a cost of \$1.3 million.

Finally, the departments need turnout cabinets. Fire fighters are putting their lives on the line not just in the immediate risk of bodily harm, but in the increased risks of harmful contaminants. The units cost over \$30,000 each which is over the budget for most of the departments in my district. They need these units to clean their turnout gear after their runs to remove harmful contaminants.

In central Arkansas, we have a strong community spirit and the fire fighters know that if one department is able to purchase one of these turnout cabinets, then the area departments, especially volunteers, will be able to keep their turnout gear safe and well maintained.

Assistance to fire fighter grant funding is necessary for fire departments in my district.

The needs are too great for them to do it alone and we are proud to support them in their applications. These grants have changed communities and makes the area exponentially and unmeasurably safer.

**TOTAL: \$3,017,516.00**

**BY THE NUMBERS:**

- **13** Fire Departments have received funding
- **19** awards
- **15** Thermal cameras
- **2** Fire station exhaust systems (to filter the diesel fumes that comes out of the fire trucks)
- **167** Self-contained breathing apparatuses (SCBA's)
- **175** masks
- **250** Air cylinders
- **1** Rescue unit fire truck
- **1** Brush truck
- **1** Water tanker truck
- **1** Turnout cabinet/ washing unit
- **Numerous** Supply hose/attack-line
- **53** Turnout gear
- **1** SCBA testing unit
- **30** Voice amps
- **Numerous** Laptops for emergency vehicles and programing
- **1** RIT (Rapid Intervention) pack
- **148** Wildland Fire fighting gear

This data shows how far this grant money can go, which keeps our communities safer.

Thank you, and I appreciate your consideration.



Mr. HILL. I thank the Chairman. This data shows how far this grant money can go for our small towns and fire departments across our congressional districts, they keep our communities safe. Thank you very much and I appreciate your consideration of both the SAFER Grants and the work done in our Homeland Security Department and by FEMA, and thanks for the opportunity to appear.

Mr. CARTER. Thank you for your input and we do take these requests seriously. Be sure and get any written request you have in. OK, Ms. Roybal-Allard do you have anything else?

Thank you, sir. And our final person is on her way, so we will—we will be ready shortly.

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**HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. CARTER. We welcome Congresswoman Sheila Jackson Lee of the great state of Texas. Ms. Jackson Lee, we are ready to hear from you.

Ms. JACKSON LEE. Thank you so very much and again, all of us appreciate the work of the Appropriations Committee and particularly those of you who are here today. I sit on the Budget Committee and I know when we do member input, it is appreciated by the members and I certainly appreciate you.

I am going to ask unanimous consent to place my statement in the record and just give a few points. This morning I—

Mr. CARTER. Without objection.

[The information follows:]

**CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)**

**STATEMENT BEFORE THE  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY**

**MEMBER DAY HEARING ON  
HOMELAND SECURITY AND RELATED AGENCIES APPROPRIATIONS ACT  
FOR FY2019  
THURSDAY, APRIL 26, 2018  
3:30-4:30 P.M.  
2359 RAYBURN**

*Chairman Carter, Ranking Member Roybal-Allard and distinguished Members of the Subcommittee:*

- As a senior member of the Committee on Homeland Security, and the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, let me offer my appreciation and thanks to Chairman Carter and Ranking Member Roybal-Allard for the difficult work and choices that must be made to produce a truly bipartisan Homeland Security spending bill, and for their commitment to providing the resources needed to secure our homeland.
- Mr. Chairman, I understand that my entire statement will be made part of the record so I will keep my remarks brief. In the few minutes allotted I wish to highlight several programs that warrant the Committee's continuing attention and support.
  1. **I support \$10 billion for Pre-Disaster Mitigation (PDM) Program**  
The Pre-Disaster Mitigation Program within FEMA takes a forward-looking approach to prepare for a disaster before it occurs. Mitigation enables communities to recover more quickly when a disaster strikes, and ultimately saves money associated with costly disaster recovery efforts. In fact, it is estimated that each \$1 spent on mitigation saves roughly \$3 to \$4 on disaster spending.
  1. **I support \$110 million for the Port Security Grant Program (PSGP)**  
The Port Security Grant Program directly supports State, local, and private maritime infrastructure by making funds available to improve port-wide

maritime security risk management; enhance maritime domain awareness; support maritime security training and exercises; and to maintain or reestablish maritime security mitigation protocols that support port recovery and resiliency capabilities.

**2. I support \$7.6 billion for TSA to fully address additional requirements in screening processes and procedures**

These additional requirements will allow TSA the opportunity to more fully address the additional **requirements** identified last year in response to finding from covert testing of screening process and procedures. \$3.0 billion to support FTE Transportation Security Officers (TSO)s, to ensure effective screening operations and maintain an appropriate staffing level at checkpoints.

**3. I support \$45 million for University Programs, Homeland Security Centers of Excellence for HBCU**

The Centers bring together leading experts and researchers to conduct multidisciplinary research and education for homeland security solutions. The Centers are authorized by Congress and chosen by the Science & Technology Directorate through a competitive selection process. Each Center is led by a university in collaboration with partners from other institutions, agencies, laboratories, think tanks, and the private sector.

**4. I support full funding for the FEMA's Hazard Mitigation Assistance (HMA) grants program**

FEMA's Hazard Mitigation Assistance (HMA) grants reduce disaster losses and protect life and property from future disasters. Mitigation includes community risk reduction, improved resilience of critical infrastructure, risk reduction for vulnerabilities from natural hazards and climate change, and initiatives to reduce future risks. Projects must provide a long term solution.

**5. I support the \$405 million budget request for Emergency Food and Shelter**

At minimum, fund the SAFER Grant Program at the \$405 million. This program, authorized in 2003, provides much-needed funding for career and volunteer fire departments to hire new firefighters and recruit and retain volunteer firefighters. This program is critical to the thousands of fire stations across the country that are currently operating short of staff and to those seeking to retain current first responders in the face of the economic downturn and recovery.

**6. I support \$425 million for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program**

At minimum, fund the SAFER Grant Program at the \$425 million. This program, authorized in 2003, provides much-needed funding for career and volunteer fire departments to hire new firefighters and recruit and retain volunteer firefighters. This program is critical to the thousands of fire stations across the country that are currently operating short of staff and to those seeking to retain current first responders in the face of the economic downturn and recovery.

**7. I support \$750 million for the Urban Area Security Initiative**

I respectfully request FY 2019 funding levels of \$750 million for the Urban Area Security Initiative (UASI). UASI funds are provided to urban areas across the country that are at high-risk of terrorist attacks. These funds are used for planning, operations, training and exercise to prevent, respond to, and recover from acts of terrorism.

**8. I support \$115 million for the Transit Security Grant Program**

I request \$115 million for the Transit Security Grant Program (TSGP). Mass transit systems have unique security challenges, and one way the federal government fulfills its obligation to secure our homeland is by assisting localities in protecting them. TSGP provides critical funds for public transit entities to shield against terrorist attacks. Our request also asks that TSGP be kept separate and not consolidated into a larger grant program.

**9. I support \$1.5 billion for Flood Hazard Mapping and Risk Analysis Program**

According to a comprehensive analysis conducted by the Association of Flood Plain Managers, it would take up to \$7.5 billion to provide accurate flood maps for every community in the nation.

**10. I support \$10 million for immigrant integration and citizenship programs within U.S. Citizenship and Immigration Services (USCIS)**

These funds will assist the more than 8.8 million legal permanent residents who are currently eligible to realize their dream of U.S. citizenship, and will help ensure the full and successful integration of immigrants into our society at a critical time in the evolution of our national immigration policy.

**CONCLUSION**

- Mr. Chairman, I thank you and the Ranking Member for your leadership and for extending me this opportunity to share some of my priorities with you.

Ms. JACKSON LEE. I thank you. And it will give a list of pre-disaster mitigation, port security, TSA and others, but I do want to and I made mention, but I do want to just comment since, Judge, all of us, I know that Congresswoman Roybal-Allard has been in the midst of disasters as well. But we are still dealing with Hurricane Harvey in Texas and I know that there are a number, Maria in Puerto Rico we heard this morning in the meeting Mr. Chairman that one of the cities in Puerto Rico, a good portion of the cities, I think it is Ponce is without electricity still.

In the hearing this morning with the secretary of Homeland Security, I want to just emphasize these points and the Appropriations Committee, I think it can be very effective in some of these concerns. Let me say that I believe that the department is less diverse than it has ever been and this is not a question of someone's political views, but I know that there are competent people of like mind that could be hired that are Latino, African-American, Asian and it is just not there. In particular, the secretary's office has no diverse person in her immediate office.

That is a question of recruitment, retention. I think we are all well aware that the department is lacking in the necessary resources. Number, two if you will, we are very unclear on how enforcement proceeds with dreamer, status dreamer persons, meaning that they are status.

And what we hear is that the border patrol still drills down on dreamer-statused individuals as they cross the border. And I didn't get a satisfactory answer as well as the fact that I think it is important for appropriators to ask the question. I know that we have a difference of opinion, but whether or not with the court decisions that are not clear, that it would be appropriate for new applications to take in—be taken in as well as those who are re-upping. And I just think these are questions that we who have oversight responsibility should.

I used to be the chairwoman of the Transportation Security Committee on Homeland Security and so I worked very much with the Transportation Security Administration. One of the issues that is extremely important and should be considered and forgive me, I have not looked to see whether there was an increase in compensation for those TSOs, but as I have travel the airports, I engaged with a management at every airport to find out how many FTEs they have, TSOs and what is the level of success that they are having.

So clearly the question of retention is crucial for the Transportation Security Administration. They are losing people. It is great to think of this agency as a stair step, but there are many who view it as a professional opportunity. And what they argue is they need more support on retention and professional development, and we should assess, which may have been done, but I want to make and put this on the record their compensation. What happens is that they go to DEA, they go to the FBI if they are able to do so and ATF and other federal agencies which certainly is a credit. But I believe that the Transportation Security Administration and I know this committee has worked very hard on—the ranking member has worked very hard on professionalizing TSA which is a first

line of defense in the nation's airports and I think that that is extremely important that we look at that.

Final off the hand comment I want to make and then I will make one or two, I didn't notice, I think maybe I have gone off time, so please forgive me. The FEMA structure—

Mr. CARTER. Your time is OK, we are not keeping time.

Ms. JACKSON LEE. All right, and I think we have all worked on this, there are good people in the FEMA operation, the administrator, I have worked with all of them. And as good human beings, I would never question, but I do think that all of us need to look at a reconfiguration of FEMA to the rescue period which is when you rush in and you bring in the generators and people from all over the country and you are standing up shelters and you are helping people. I remember not my city, not Harris County, but a city that Port Arthur which is a neighbor and a neighbor to my colleague. When I say neighbor, a neighboring city, another colleague's district, but people reached out because I was on Homeland Security.

And they were so small that they just didn't know what to do. They literally had people out on the street. This is in the immediate aftermath of hurricane Harvey, and clearly didn't know how to reach the state to get permission, to get some kind of temporary housing, tents, whatever. They were trying to get on barges and they were being rejected. Somebody came up and said, I can get you on some barges and frankly they were able to get through to the state which helped them with some form of housing.

The point is that there should be the immediate rescue period and then the recovery period. So I am dealing with people right now who are being put out of hotels and however you want to characterize them, they are put in the category of not eligible, but you still have people who are without homes. And if there was the rescue and then there was a long-term recovery, those individuals could at least have a long-term response to what they should be doing.

They don't have that. And I came to say this because I was really shocked. We are working on it right now, a constituent who we directed to the last remaining DRC said, they are laughing at us. And it may be people are exasperated, they are overworked, they are from out of town, but that is just something no matter what area of disaster you may fall in, it is not even a year for these people. It looks like if I might say, these are the not doing anything for themselves people. I can say that we have a shortage of affordable housing in a big city like Houston, we have lost a lot of them. We lost some to Hurricane Harvey to be very honest. And so these people need a long-term hand holding and it is not even August.

And as many of you know, we in the Gulf, are coming into our hurricane season. And I just think as partners on Homeland Security authorizing and working, that we should find some way to bolster FEMA's really important two-pronged task, is they are, I mean, immediate responders of which you hear people say FEMA, FEMA, FEMA up there. The state operator, the emergency center, they are there, the shelter standup that they do, but then these people, and they are all over in many jurisdictions need that extra help.

So I am trying to or am drafting a reconfiguration of FEMA in those two prongs. I certainly hope to listen to FEMA about how that would work. We have already talked to them to get their input as to how that would work and how that will be effective.

The other point is that in the hearing that Mr. McCall and we had as the Homeland Security field hearing, our cities and you may be facing the same, have not gotten their reimbursement for school reimbursement and other assistance that they have sent the invoice if you will, and they have not yet gotten that funding. And I don't think it was tied to the recent omnibus because I think they have certainly got money in the last go-round that we gave.

All of this is to say we have good people working. FEMA personnel that come from faraway places who stand up to work as contract, whatever the structure is, I know they are good people. But again, you can't laugh at my constituents. You can't laugh because they come in and whatever they missed getting, whatever they didn't do right, they are still homeless, they are still short out of this hotel. And they are still in a place that has people living in homes that are nothing but shells. They don't have any—they haven't put the dry wall up, they haven't done anything. I mean they just got it out and they are there.

This is the plight of disasters which we as a country I think have always had a big heart for trying to restore people, but we have got to have the system to help us restore people as well. So the—in this I have this funding for FEMA's hazardous engagement assistance, emergency food and shelter which is important, staffing for adequate fire and emergency response and the U.S. is 750 for that, the transit security.

But I close on this, the first responders are wonderful and as we understand the president's budget, some of those dollars for them were cut and I certainly want to speak for them today to say that those—that funding dollar should be there. I have got things like port security, but I want to submit this into the record, \$45 million for university programs, Homeland Security centers of excellence for HBCUs and expanding serving institutions. They have been a wonderful to train Homeland Security experts.

With that, I appreciate your tolerance and as well the opportunity to appear before you. Thank you very much.

Mr. CARTER. Thank you, Ms. Jackson Lee and we too do take seriously all the requests that come in here, we will look at them within the resources that we have got available and we will try our very best. As you know I am a native Houston, my heart is in Houston. And I am very, very concerned. I speak about it almost every day, just had people requesting H-2B visas in here, we desperately need them in Houston. We just—there is a lot of need in Houston and we will do the best we can.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Just to say thank you and I echo what the chairman said, we will do our best.

Mr. CARTER. Any further comments for the committee? All right, thank you very much. I appreciate you coming in, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you so very much. We will be working together.

Mr. CARTER. That is the end of the hearing. We are adjourned.





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