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THE DEPARTMENT OF HOMELAND SECURITY FISCAL YEAR 2018 BUDGET REQUEST

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JUNE 6, 2017

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THE DEPARTMENT OF HOMELAND SECURITY FISCAL YEAR 2018 BUDGET REQUEST

TUESDAY, JUNE 6, 2017

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:09 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Paul, Lankford, Hoeven, Daines, McCaskill, Carper, Tester, Heitkamp, Peters, Hassan, and Harris.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good morning. This hearing will come to order.

I would ask consent that my written statement be entered into the record.[1] Without objection.

I want to welcome Secretary John Kelly. This is a hearing on the Department of Homeland Security's Fiscal Year (FY) 2018 budget. This is the third time that Secretary Kelly has appeared before this Committee this Congress, the second time as Secretary of the Department, and again, we welcome you and appreciate your service to this country, many years of it.

In lieu of my opening statement, I just want to make a couple of comments. By vocation, I am an accountant, so I have gone through budget meetings many times.

First, I want to just talk about the history of the budget of the Department of Homeland Security (DHS). We are not quite ready for the chart. When you take a look at total budget authority, when the Department was first stood up, the first fiscal year was 2004, and the Department's budget was—this is total budgetary authority, mandatory and discretionary—$36.5 billion.

Now, had that budget just grown by inflation, today's request would be a little under $50 billion—$48.25 billion. Instead, total budget authority is $70.6 billion, about a 93-percent increase.

Now, from my standpoint, that represents on a bipartisan fashion President Bush, President Obama, now President Trump realized that the threat environment that America faces has become more severe. It is growing, it is evolving, it is metastasizing, and the Department needs more resources to try and keep this homeland safe.

[1] The prepared statement of Senator Johnson appears in the Appendix on page 41.

And so, as much as I am concerned about the long-term budget situation of this country, the $20 trillion we are already in debt, we cannot be penny wise and pound foolish. I do not think I have seen an accurate assessment of how much economic loss we suffered because of September 11, 2001 (9/11). We have to do everything we possibly can, and let us face it, the defense of this Nation and the defense of our homeland is a top priority of government.

So, I want to be completely supportive of the Secretary's request. Tough budget times, but we need to allocate the resources to keep this Nation and our homeland safe.

The next point I would want to make is just the dramatic change we have had in terms of total apprehensions. We have a little chart[1] here. What I have done, because we really only have 3 months' worth of history under the new Administration, I have just gone back and had my staff prepare a 3-month moving average of apprehensions along the Southwest border, and it is incredibly revealing.

Prior to the last 3 months, on average we were apprehending a little more than 122,000 individuals coming to this country illegally. The last 3 months total, it was just under 56,000. In other words we are about 46 percent of the previous 4 or 5 years' average. That is a pretty remarkable result. Since I have taken over this chairmanship and really been on this Committee looking at the problem of illegal entry into our Southwest border, I have been saying repeatedly that the first thing we need to do is be committed to securing our border and then eliminate the incentives for illegal immigration. I would say lack of enforcement of our immigration laws has been a huge incentive for people coming to this country. Under the new Administration, under the new Secretary, we have obviously committed to securing our border.

I was a little concerned when people were taking credit for this reduction, I think, after 3 months. We will see what happens after 4 months. I think just that signal alone that we are committed to securing this border and we are going to enforce our laws has had a powerful effect, and I think we are seeing the results right now. So, again, I commend the Secretary for standing strong against severe criticism and actually enforcing the laws of this Nation.

With that, I will turn it over to our Ranking Member, Senator McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL[2]

Senator MCCASKILL. Thank you, Mr. Chairman, and thank you, Secretary Kelly, for being here. You appeared before this Committee a couple of months ago for the first time after being confirmed, and just look at the developments that have occurred in the few months since then, where you have had to be all hands on deck for serious issues facing the national and homeland security.

On May 11, you met with the airline industry executives about your concern about large electronic device bans in terms of international travel.

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[1] The chart referenced by Senator Johnson appears in the Appendix on page 53.
[2] The prepared statement of Senator McCaskill appears in the Appendix on page 42.

On May 12, we had a "ransomware" cyber attack that struck more than 200,000 computers in 150 countries, shutting down auto production in France, police departments in India, and closing doctors' offices in Britain.

And then, of course, tragically, on May 22, a terrorist suicide bomber killed 22 innocent children and adults in Manchester, England. And then, this past weekend, terrorists killed seven in London.

These are just a few examples of why we are counting on you and why we respect the job that you have to do every day and how difficult it truly is.

The importance of your work also speaks to the critical responsibility that this Committee has in providing oversight. I have never known of a government agency that worked better with less oversight. Asking hard questions is, of course, the way you do aggressive oversight, and I am really particularly pleased that you are not afraid to answer tough questions. It is kind of who you are. You have been that way throughout your career.

In fact, I noticed in the speech you gave to the U.S. Coast Guard (USCG) cadets, and I will quote you here, "Tell the truth to your seniors even though it is uncomfortable, even though they may not want to hear it. They deserve that. Tell the truth."

I know that you will continue to speak truth to power, and I look forward to your honest assessment of what we can do to help you in that regard.

While none of the three terrorists who did the attack over this past weekend would have been impacted by the President's proposed travel ban, a lot of discussion in the United Kingdom (UK) is now about the Conservative Party's cuts in police resources over the last decade and how many fewer resources there were actually on the ground to try to prevent those terrorist attacks.

I am concerned that the President's budget plans to cut critical Transportation Security Administration (TSA) programs at a time that we cannot afford to let up on these security measures. A large portion of this cut is taken from the Visible Intermodal Prevention and Response (VIPR) teams, which are deployed all over the country to provide critical assistance with securing airports, subways, and bus terminals—some of the most attractive soft targets for terrorists in our country. The President's budget aims to cut the VIPR teams from 31 down to just 8 teams to cover the entire country.

The Urban Area Security Initiative (UASI), which has been a lifeline for major urban areas that have so many soft targets because of the large populations, those also have been cut.

Additionally, the President's budget is going to completely eliminate the Law Enforcement Officer Reimbursement Program which provides assistance to local law enforcement agencies who help secure our airports. Hundreds of airports across the country take part in this program, and particularly for smaller airports, this assistance is critically important.

The President's budget will also slash other DHS programs that provide critical security to our transportation systems. The Transit Security Grant Program (TSGP) will be cut in half. The Port Security Grant Program (PSGP) will be cut in half. The President is calling for a complete elimination of the Complex Coordinated Ter-

rorist Attacks (CCTA) Grant Program. I am concerned that these priorities are not getting the attention they deserve, especially in light of what is going on around the world. I think we may be focused on a shiny object which has come to be known as the "travel ban" when instead we need to be focused on how many people we have, in your terminology, General, "boots on the ground" in terms of being able to identify, track, and prevent these terrorist attacks.

We are being asked to fund additional Border Patrol agents and air and marine officers, but there is no provision in the budget for additional Customs and Border Protection (CBP) officers. And, the difference in terminology is very important because, as you know, Secretary Kelly, the majority of drugs and other contraband come into our country through the ports of entry (POEs), and the CBP officers are the ones responsible for finding them and stopping them. We cannot neglect our ports of entry as we try to increase resources in terms of Border Patrol and U.S. Immigration and Customs Enforcement (ICE) agents.

So, I am glad you are here today, Secretary Kelly. There are a lot of important issues before us. I have a lot of questions. I know the rest of the Committee does, too. And, I cannot tell you how much it means to all of us that you are willing to come here, to both Democrats and Republicans, and answer our questions. I hope the rest of the Administration follows your example because I think you are setting a very good one.

Chairman JOHNSON. Thank you, Senator McCaskill.

It is the tradition of this Committee to swear in our witnesses, so if you would please rise and raise your right hand? Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Secretary KELLY. I do.

Chairman JOHNSON. Please be seated.

Secretary John F. Kelly is the fifth Secretary of Homeland Security. Prior to joining DHS, General Kelly served as commander of the U.S. Southern Command (USSOUTHCOM), where he worked closely with U.S. law enforcement and DHS personnel in a coordinated effort to combat the flow of drugs, people, and other threats against the homeland into the United States from across the Southern border. Secretary Kelly's career has included extensive service in the Marine Corps where he commanded Marine Forces Reserve and Marine Forces North and served as senior military assistant to two Secretaries of Defense, Secretary Robert Gates and Secretary Leon Panetta. Less than a year after his retirement from service, Secretary Kelly returned to serve the American people as Secretary of Homeland Security.

General Kelly is a retired four-star general, a Gold Star parent. America could not be more appreciative and more fortunate to have you serving in this capacity, and we thank you for your service and look forward to your testimony.

TESTIMONY OF THE HONORABLE JOHN F. KELLY,[1] SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY

Secretary KELLY. Chairman Johnson, Ranking Member McCaskill, and distinguished Members of the Committee, every day the men and women of the Department of Homeland Security protect Americans from the threats we face, and so it is a great pleasure to appear before you today to talk about the tremendous men and women of the Department and the critical missions they carry out in service of our America every day and night, 24/7/365.

I believe anyone who fully understands the fundamental role of our government also believes that the Federal Government's responsibility every day begins and ends with the protection of the homeland and the security of our people. No other mission is as important, no other consideration more pressing. None.

The President's Fiscal Year 2018 budget request for the Department will make it possible for us to continue and expand in many ways on our ability to protect our Nation and its people. The world is a different place today. We can no longer think in terms of defense over there but, rather, must think in terms of the security overall of the homeland, across the numerous domains of a potential attack and defense.

The Department of Homeland Security is making a difference in fighting the home game while the Department of Defense (DOD) fights the away game. And, together with and because of the dedication and effective interagency integration with the Director of National Intelligene (DNI), the Central Intelligence Agency (CIA), the National Counterterrorism Center (NCTC), the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and over a million State and local and tribal enforcement professionals, America today is safe, secure, and prepared in a way that most could not have envisioned the day before 9/11. But, the plots to attack the Nation are numerous, their perpetrators relentless. But, we need a fully funded budget that matches our mission. No more continuing resolutions (CR). And, I think this budget does that.

The President's Fiscal Year 2018 budget requests $44.1 billion in net discretionary funding for the Department of Homeland Security. It also requests $7.4 billion to finance the cost of emergencies and major disasters in Federal Emergency Management Agency (FEMA's) Disaster Relief Fund (DRF).

When you are talking about numbers like these, it is easy to lose sight of what is behind each dollar. But, when you get right down to it, behind each and every dollar are hardworking men and women who have dedicated their careers and in many ways risked their lives to protect the American people. Every dollar invested in the men and women of DHS and every dollar invested in the tools, infrastructure, equipment, and training they need to get the job done is an investment in prosperity, freedom, and the rule of law.

Above all, it is investment in the security of the American people, and as far as I am concerned, recent events show you cannot invest too much in security. The terrorist attacks on innocent civilians in

[1] The prepared statement of Secretary Kelly appears in the Appendix on page 47.

Kabul, Cairo, South Asia, Manchester, and now London are horrific reminders of the dangers we face globally.

They also illustrate the need to do everything we can to keep our people safe. That means getting better about verifying identity, making sure people are who they say they are, and working with our international partners to raise their awareness and raise their defenses, and force them to do so, if need be, to at least operate at the levels that we work at.

Domestically, one of the most important enhancements to this effort is the REAL ID Initiative, an enhancement passed into law 12 years ago by the U.S. Congress, one which most of our States and territories have taken seriously and have already adopted. Many others are working hard at compliance.

In those 12 years, some elected or appointed State and Federal positions who have the fundamental and sacred responsibility to safeguard the Nation have chosen to drag their feet or even ignore the law passed by Congress. I will not. REAL ID will make Americans safer. It already is. REAL ID will soon be enforced at our airports, land ports of entry, and all Federal facilities. And, it is a critically important 9/11 Commission recommendation that others have been willing to ignore, but which I will ensure is implemented on schedule, with no extension for States that are not taking the effort seriously.

For those States and territories that cannot or will not make the January 2018 deadline, they should encourage now their citizens to acquire other forms of ID compliant with the REAL ID law, like passports, available, of course, from the State Department.

We need to prevent bad actors, regardless of religion, race, or nationality, from entering our country. In recent years, we have witnessed an unprecedented spike in terrorist travel. There are more terrorist hot spots and foot soldiers now than almost at any time in modern history. In Syria and Iraq, for instance, we have thousands of jihadist fighters that have converged from more than 120 countries. As our superb military machine, acting in coalition with and leading many other like-minded partners, as they succeed on the battlefield in the caliphate in Iraq and Syria, these jihadi fighters are returning home to Europe, South Asia, Southeast Asia, Australia, and even the Western hemisphere. And, who knows what they are up to? But, we can guess. They are heading to what they think are safe havens to continue their plotting and otherwise advance their toxic ideology of hate, death, and intolerance wherever they are allowed to hide. We expect that some will look to travel to the United States to carry out attacks.

With this context in mind, the President has issued clear direction in the form of an Executive Order (EO) to the entire Executive Branch to prevent the entry of aliens who seek to do us harm. But, the current court injunction, of course, prevents us from taking steps right now to improve the security of the homeland until we see how that court action plays out. While some discuss, debate, and argue the name, title, or label that best describes the President's EO, professional men and women like me are actually in the business of implementing the President's intent to secure the Nation, and we are doing that. We will let the chattering class and self-appointed critics talk about the name. I just hope Congress

sees the wisdom in what the President is trying to do to protect America and its people and that Congress is willing to work with those of us in the business of securing the Nation. And, it has been my experience in less than 4 months on the job that Congress is, in fact, committed to that.

The court's injunction has prevented us from implementing a temporary ban on travel by aliens from six countries that are in States of civil war, are State sponsors of terrorism, and are basically failed States. They are the same countries identified by Congress and previous Administration in 2015 as nations of great concern.

At the time, the expectation was that those in the business of securing the Nation lawfully would focus additional attention on these nations and others in similar circumstances for supplementary and accurate vetting. It has nothing to do with religion or skin color or the way they live their lives, but all about security for the United States and nothing else.

These are countries that are either unable or unwilling to help us validate the identities and backgrounds of persons within their borders. I can tell you right now, because of the injunctions I am not fully confident that we are doing the best we can to weed out potential wrongdoers from these locations. The injunction also prevents me from actually looking into the information that we need from each country to conduct proper screening, not just from the six countries identified in the Executive Order but from every country across the globe. It also prevents me from conducting a review under the Executive Order with the goal of improving the security of our refugee program.

Bottom line, I have been enjoined from doing these things that I know would make America safe, and I anxiously await the court to complete its action one way or the other so I can get to work.

The men and women of DHS will do everything we can and always within the law to keep the American people safe. But, the delay has prevented us from doing what I and those most familiar with the reality of the threats we face believe we need to do to protect our homeland.

Again, sir, I appreciate the opportunity to appear before the Committee today, and I thank you for your continued support and the Committee's continued support for the great men and women of the Department and the mission we take so seriously. I remain committed to working with Congress and protecting the American people. I have made changes within the organization since I have been the Department head to do exactly that, to increase responsiveness, availability of witnesses, and we have done all of that in a big way.

I am glad to answer any questions you may have, sir. Thank you.

Chairman JOHNSON. Thank you, Secretary Kelly.

I really appreciate the attendance by my colleagues. I know everybody has tight schedules, so I am going to defer my questioning so people have their opportunities, and I will start out with Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I appreciate the note you ended on, Secretary Kelly, and while I condemn the leak and the person who leaked it, we now have in

the public domain verified information that the Russians made an aggressive attempt to access not only a vendor of voter software in this country but also a number of States, the voter file databases in the month prior to our election.

In any other circumstances, this would be an earthquake, but because of everything else that is going on, I do not think enough attention has been given to something that is your responsibility as the Secretary of Homeland Security, and that is, critical infrastructure, including the election systems.

I have asked for a number of pieces of information. This is one area where we have not gotten a response yet. I do appreciate that you all have not frozen us out. Many of my colleagues are being frozen out across the government. You have not frozen us out, and I am deeply grateful for that. I am anxious to get more information about what we know about these attempts. Whether or not they accessed the tabulation, it is clear they were trying to get into voter files. And, I do not think they were going there to try to just hang out.

Imagine the disruption—we spend a lot of time in this country talking about voter ID. Imagine the disruption if thousands of people showed up to vote and their names were no longer on the voter files. What would we do? How would we address that in terms of fairness and open and free elections?

So, I guess my question to you is: Are you deferring the investigation of this to the FBI? Or is the Department actually actively engaged in investigating the penetration or the attempts to penetrate the voter files in this country immediately before the election by the Russian Government?

Secretary KELLY. Thank you, Senator. You know me, I am not going to dodge any question relative to anything that anyone in the U.S. Congress asks. I would say, though, up front I would not be—because of the allegations and the things that have been allegedly released are so highly classified, I would not want to kind of confirm or deny anything in there. I think we just have to wait for the investigation.

I am happy to come over or send people over to talk to you, to the level that they can, about what actually took place, and I believe certainly Members of Congress deserve that, given the levels of classification. But, I share your concern. I do not disagree with anything you said relative to the sanctity of our voting process. Clearly, it should be an interagency investigation, and that is taking place. DHS will be part of that.

As you know, just prior to his leaving, Jeh Johnson went out and declared that the voting infrastructure was, in fact, critical infrastructure. I have had a large amount of pushback on that from States, many Members of Congress. It was done before I took over. We are looking at that, trying to help the States understand what that means, and it is voluntary entirely. We are here to help, so to speak. But, I am meeting with the State homeland security professionals, I think next week here in the city, and I am going to put that question to them. Should we back off on that? I do not believe we should, but should we back off on that? Do you see us as partners and helpers in this to help, inside the States and help you

make sure that your systems are protected? But, there is nothing more fundamental to our democracy than voting.

Senator MCCASKILL. Well, in following up with that, I just hope that you convey—I mean, it would be one thing for the States to say we do not want the Federal Government to be—I like that our elections are decentralized. I do not think the Federal Government should be telling each State how to run their elections or what vendors to use.

On the other hand, this was Russia.

Secretary KELLY. Right.

Senator MCCASKILL. I mean, this was Russia. This was not, some hacker at a university trying to screw around with one individual State. This was an international attempt to impact the elections of the United States of America. So, it really would be, I think, distressing if the United States would then pull back from the ability to help States protect these voter files. And, you all are going to be in the best position to be able to do that.

So, is someone from the Department working in the investigation over this intrusion into our data files, our voter data files?

Secretary KELLY. Yes, Senator, we are involved.

Senator MCCASKILL. OK. The other area I wanted to talk about and give you a chance to respond to the things I said in my opening statement, about cutting funding for the VIPR Program and for the Law Enforcement Officer Reimbursement Program, the Urban Area grants that are so important to large cities in this country in terms of protecting soft targets for terrorism. Could you address those cuts and if you would be OK with the fact that we would maybe want to restore those cuts?

Secretary KELLY. I would like to comment for sure.

The first thing I kind of referenced it a little bit in my opening statement. We are as a Nation in a different place entirely—from a law enforcement and local protection point of view, we are in a different place today than we were 15 years ago when 9/11 first took place. Whether it is New York City and the largest non-Federal law enforcement organization in the country, the New York City Police Department, or small towns and counties with very few professionals, this kind of thinking, this antiterrorism, counterterrorism is in the Deoxyribonucleic acid (DNA). We have certainly and should have right after 9/11 for years afterwards, I think to the tune now of $45 billion in 15 years, helped States, whether it was acquire equipment, hire people, DOD has a program where they give excess equipment away. You know all of that.

So, we are in a different place today. New York City Police Department, I was just up there last week and sat with them for several hours getting their concept of how they protect the city from a terrorism point of view, and I do not think there is anyone better in the world.

So, in a perfect world, I would love to fund everything, but 15 years on, we are in a different place locally and federally in terms of protecting the homeland. Again, in a perfect world, I would love to fund everything.

Senator MCCASKILL. OK. Well, I understand the point you are making; although I will say that I do not think any of us would think that the threat of a terrorist attack is less today than it was

15 years ago. And, I can speak for many of these communities that are struggling with enough officers now. St. Louis is a good example where we have a serious crime problem, and in order to have the resources they need to cover the airport, to do some of the things that this money allows them to do is really important. So, I am hoping that we can work together and figure that out.

Secretary KELLY. Senator, if I could respond, I would not disagree at all, and the threat since 9/11 is, I think—certain types of threats are much more than they were during 9/11, much more metastasized, some of it local, some of it potentially from outside the country. I am with you 1,000 percent. But, the one fundamental difference is we have different State, local, and Federal focus on this, and training and equipment.

Senator MCCASKILL. We do.

Secretary KELLY. Yes, ma'am.

Chairman JOHNSON. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Mr. Chairman.

Once again, thank you for being here, Secretary Kelly. I think that you have bipartisan support on this Committee because of your track record, and you were in front of the Subcommittee on Homeland Security here a few weeks back, and I appreciate your testimony there.

Since then, it was reported that the President's son-in-law, Jared Kushner, attempted to establish secret back-channel communications with the Kremlin through Russian ambassador Sergey Kislyak. You were asked about these back-channel communications with Russia on TV, and you supported Kushner setting up back-channel communications. The White House has been mum about these communications. I believe that these communications did occur. Whether there was anything classified or not that went through, I think this is a big deal because we are talking about Russia.

I looked up your age, and I thought we might be similar in age, and to your credit, you are a little bit older than me, but you look younger. OK, Mr. Secretary. But, you remember Russia in the height of the cold war. I do not trust them any more today than I did when I was a first grader in school. And, to have somebody this close to the President setting up back channels before they were in office through a Russian embassy is very disturbing to me if, in fact, this happened.

And so, have you spoken to Mr. Kushner about this issue?

Secretary KELLY. I have not.

Senator TESTER. OK. So, has anybody spoken to him about this issue in your Department or to find out if this happened and what kind of information was relayed? We just heard the Ranking Member talk about potential impacts on elections. We have talked about potential money flowing to the Trump business enterprise. There is all sorts of smoke here that we need to get to the bottom of, and so I am curious about that.

Secretary KELLY. I hope no one in my Department has spoken to him. That would be inappropriate. I am the interaction with the

White House as a general rule. He does not work like many of the White House staff do not work directly.

But, if I could, sir, on the back channel?

Senator TESTER. Yes, go ahead.

Secretary KELLY. Back-channel communications, I mean, I had back-channel communications myself through religious leaders in the United States to leaders in, say, Latin America. It is one thing if I call the President of a country and have a conversation with him. It is different if it comes from another direction. It is just the reality of the way things work. I would just offer to you, sir, that we have to make the assumption—and I will—that Jared Kushner is a great American, he is a decent American. He has a security clearance at the highest level, as I understand it.

Senator TESTER. He did not then, though, did he?

Secretary KELLY. I believe he should have had.

Senator TESTER. OK.

Secretary KELLY. Now, if he was trying to open back-channel communications to pass information through that back channel to get to Putin or anyone else over there to say, "Hey, look, we are concerned about this," or "This is what you might want to consider doing," because if it is official, then it is a whole different dynamic.

Senator TESTER. I got you. But the question is: There are no red flags that come up for you at all on this?

Secretary KELLY. Not at the time. I did not know about it. Since it has been reported, back channels are the normal—are in the course of normal interactions with other countries. Very common.

Senator TESTER. Can you tell me if it is also normal to go to an embassy of a country that has been our foe since World War II and do this kind—is that normal?

Secretary KELLY. I do not know if that was the case, but if that is the case, I am not so sure it is normal, but certainly it would be one way to communicate through the back channel.

Senator TESTER. So, if I were to do that, you guys would think that is OK? I have a security clearance. If I were to walk over to an embassy and say, "Hey, look, I want to have a back-channel communication, and, by the way, even though it appears that nobody in the United States will know what I am talking about, and this is why I did it, it is OK because I am not"—is that—I mean, really?

Secretary KELLY. Senator, if you went over to—whether you met them here in the building or you——

Senator TESTER. Went to the Russian Embassy.

Secretary KELLY [continuing]. Went to the embassy and said——

"Let me tell you something, as a Senator from the great State of Montana and a Member of these committees, this is B.S., what you are doing and you better stop it," or whatever, that is essentially a back-channel communication.

Senator TESTER. Well, I would just say this: I appreciate your faith in the system. I am going to tell you that whether classified information was delivered or not, I find this unacceptable. I just do. To have somebody who is a son-in-law to the President that goes in and sets up with Russia, the country that I was told to hide under the desk when the nuclear bombs came—what the hell good that would do, I do not know—when I was in first grade. I just

think if we do not get to the bottom of what is going on and what is happening—we have talked about the Russians, we have talked about money. There is all sorts of stuff going on here. And, as the Ranking Member said, there is so much going on here that we do not know which direction to have the investigation happen. If it needs to be you, you have the credentials, by the way, and you have the respect, I believe, on this Committee and probably in Congress to really find out what the hell is going on, because it does not make me sleep better at night, I will just tell you. And, if it does not make me sleep better at night, your eyes are probably wide open on this.

Secretary KELLY. Senator, I think, again, I think we have to make the assumption that——

Senator TESTER. But, do you not think we should ensure that that assumption is correct?

Secretary KELLY. Oh, sure, and I think there are numerous investigations——

Senator TESTER. But, nobody is doing that.

Secretary KELLY. I think there are numerous investigations that are looking into this. I mean, I think it is part of the Bob Mueller investigation. I think there are a number of Congressional committees looking into it.

Senator TESTER. OK. Another topic. I just want to echo what the Ranking Member said. There have been folks that have been frozen out by different agencies. I think that is inappropriate. Whether you are on that Committee or whether you are a Member of Congress, oversight is our big job. I appreciate you not doing that, and I hope that policy continues. I would assume that that is going to be the case, correct?

Secretary KELLY. Yes, sir. And, if I could comment?

Senator TESTER. Yes.

Secretary KELLY. As I was going through the process of confirmation, those Senators and House Members that gave me the courtesy of an office call prior to the hearing, the one single thing I heard repeatedly was how nonresponsive this Department, my Department, our Department, was prior to. I would tell you, since I have been running the show, to the degree that I think I am running it, we have over 37 appearances in Congressional hearings, 57 witnesses, 973 Hill engagements. Prior to that, it was a tiny fraction. In fact, I was just talking to Senator Grassley, who was the biggest critic of my Department relative to Congressional engagement, and I was on an open phone with him and his staff and asked him how we were doing, and he gave me nothing but high marks. We are going to make that better.

First of all, we are leaning forward, and whether it is—regardless of who the letter comes from—and it does not have to just come from a Ranking Member or Chairman. We will respond to any Congressional inquiry.

Senator TESTER. Thank you.

Secretary KELLY. If we cannot get to it right away—some of the letters, as you might imagine, are lengthy and in need of great detail.

Senator MCCASKILL. Too lengthy, sometimes.

Secretary KELLY. My folks will call. If it falls into the category we cannot get to it real quick and respond, we will call the staff and say, "Hey, we got it, and we are on it, but it will be some weeks or even perhaps months before we can get it to you." If need be, we will send a letter, or I will call the Member and say, "Boy, this is a big one. I am going to have to set some people to work on this. It will be a while, but we are on it."

And, I think in every case thus far, certainly in the last 90 days—60 days, anyways, we are getting high marks. So, I will not freeze you out, sir.

Senator TESTER. Thank you, Mr. Secretary, and I look forward to seeing you in Montana.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman. And, thank you, Secretary Kelly, for being here today, and I would like to once again thank you for your trip to Detroit. I think it was well received by the community, and I appreciate you taking the effort to come out to my State.

Secretary Kelly, I am particularly concerned about some of the proposed cuts to several FEMA preparedness grant programs that are in the President's budget. Our first responders in Michigan use the Urban Area Security Initiative and State Homeland Security Program funding to support lifesaving efforts, including bomb search and rescue equipment, simulation drills, maintenance of local early warning, and emergency response centers.

The proposed 25-percent cost share matching requirement for local governments would prevent a number of these efforts because, quite frankly, many of these departments simply do not have the money available for that cost share. And, I know you think it is important that there is skin in the game. You have used that term frequently, that our local communities have some cash as they are in these matching programs.

But, given the fact that we are facing lone-wolf attacks and a lot of changes in how our domestic homeland security folks have to deal with situations, do you believe—how are they able to make the appropriate investments to make sure that they are equipped for these types of attacks? Are there some other alternatives, or are there ways that we could perhaps adjust that figure in the budget?

Secretary KELLY. Yes, Senator, referencing a couple of my previous comments in this hearing as well as in the past, our local law enforcement—city, State, county, big city, small city—they are in a different place today than they were right after 9/11, and we all know that. They are just much better at what they do. Their head is in the game. They have skin in the game. The grants over the years have to a degree caused that to happen because we have given additional funding to the various municipalities to improve themselves.

We are at the point now where much of that effort is already accomplished, and we are in the sustainment phase; that is to say, States and local governments now need to sustain what we have helped them, the points at which and the equipment and all that

we have helped them get to, that combined with there are not unlimited resources. One of the things you mentioned, lone-wolf attacks, a lone wolf—and you know this, and I beg your forgiveness. I do not mean to lecture—not lecture, but to go too low in terms of my response. But, the thing we are facing with the lone-wolf attacks is a different dynamic. New York City is at risk. Detroit is at risk. Some tiny little town in the middle of Arkansas is at risk. Every small town, big town, is at risk from this lone-wolf stuff.

I do not know, as hard as I have thought about it, if there is a way to prevent it, predict it, get our arms around it other than local cops and sheriffs getting into people's business legally, outreach and all of that kind of thing. But, my point is an unlimited amount of money parceled out to every big city, small municipality in America might prevent a lone-wolf attack. I do not know if it will, but it might. But, of course, we do not have an unlimited amount of money.

We make these decisions in many ways based on formulas that we receive from the Congress. We plug in numbers and try to somehow evaluate what might be a logical target, not necessarily for the lone wolfers. They are everywhere. But, a logical target or a target that might be at higher risk, say New York City, than another municipality, particularly from an external terrorist.

Senator PETERS. Well, I understand that, and I appreciate the fact that this is a big challenge. We do not have unlimited amounts of money. But, I want to just challenge a little bit of the assessment that other communities are adequately prepared for it. Certainly we have come a long way. As you mentioned, we have come a long way and provided those resources. But, I am certainly hearing from my departments in Michigan there are still unmet needs that they think are pretty critical. Resources are tight for them as well, and we still have a ways to go. So, hopefully we can revisit some of those matching programs to make sure that those communities that may be at the highest risk but also have a fairly challenging budget situation in that community, that we are able to work something out. I would appreciate having further discussion in that area.

Also, Mr. Secretary, the first travel ban Executive Order required the Secretary of Homeland Security to submit a report in 30 days that provides a list of countries that do not provide adequate information for vetting, within 30 days of the date of this order, and it is my understanding the district court in Seattle did not stay that aspect of the order.

The second Executive Order required the exact same report within 20 days of its effective day, and as you know, aside from Sections 2 and 6, the remainder of the revised Executive Order is not affected by any subsequent injunctions. So, that means as of today, May 6, 2017, the report required by the first Executive Order is overdue by over 60 days, more than twice as much time as required, and a report required by the second Executive Order is overdue by about 30 days.

Mr. Secretary, did you begin the report reviewing screening procedures that the initial Executive Order required?

Secretary KELLY. Senator, we have been very cautious, extra cautious, in getting anywhere near where the court might consider we

are not following their instructions. I would have to get back to you on exactly where we are on the reports. One of the things that—regardless of whether the court has told us not to do, we have looked for things that we could do. As an example, thinking about other countries but not studying it, and looking at vetting procedures, additional vetting, extreme vetting, but not studying it.

Some of the procedures would be very obvious, some of the countries very obvious. But, if you do not mind, I would like to get back to you on the question.

Senator PETERS. Well, I appreciate it because it seems to me a court injunction is not going to limit you from doing your own internal reviews of policies and procedures. That goes——

Secretary KELLY. I actually have lawyers telling me, sir, that we are too close on some of these issues, not necessarily ones you have addressed, but on some of these issues, and it is best just to show extra good faith and not getting too close to it.

Senator PETERS. Very good. Well, I would appreciate further discussions on that as well.

Secretary KELLY. Sure.

Senator PETERS. Thank you, Mr. Secretary.

Secretary KELLY. Yes, sir.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chairman and Ranking Member. And, good morning, Secretary Kelly, and thank you for being here. Like all of my colleagues, I appreciate your willingness to have this conversation with us.

Last week, I visited our CBP base covering New Hampshire's Northern border with Canada. The men and women at the station are working overtime and on a shoestring budget to secure our Northern border, including intercepting human traffickers and preventing narcotic smuggling.

I think they are doing an incredible job with truly limited resources, but they really need more support. And, while CBP is getting a huge boost in their funding in this budget, we know that this funding is not going to be used to shore up the Northern border. And, it is not just CBP's Northern border forces—they are not the only ones getting shorted in this budget, as some of the other Members here have indicated. TSA, in charge of protecting our aviation borders and stopping terrorists from taking down our aviation system, is facing a sizable cut to some of its key programs and renewed aviation threats. And, the Coast Guard protects our Nation's largest border, but despite its aging maritime assets, rundown and, frankly, outdated facilities, the Coast Guard is also getting cut.

So, this budget tells me that your priority is to secure the Southern border and that fighting off all other threats is secondary. I certainly support securing the Southern border and reducing narcotics trafficking, but this budget presents really, I think, a false choice. We can and should secure the Southern border and also secure our other land, sea, and air borders as well.

So, what is your plan for making sure that our Northern border forces, TSA, and the Coast Guard get the funding increases they so desperately need?

Secretary KELLY. Well, Senator, the good news is from my perspective, and certainly what I have learned in the last going on 4 months, is we have two great partners in this effort to secure our borders: Canada to the north, obviously, and Mexico to the south. The bad news for Mexico and the Southwest border is largely because of our drug demand, an incredibly efficient network has developed that stretches, frankly, from around the world, goes through the Western hemisphere, the Caribbean, up the Central American isthmus, Mexico, into the United States. So, that is where the overwhelming amount of drugs, illegal aliens, special interest aliens come through because of that network. Not because Mexico is not a partner, not because they are not great friends, but because they are unfortunately astride a network or a land mass or a geographical feature that the drug traffickers have decided that that is how they are coming.

Senator HASSAN. And, Secretary Kelly, I am well aware of that. I am also well aware of how able, nimble, evolving, and creative these cartels and networks are. And so, it just seems to me a totally false choice to leave a border inviting and open, relatively open. It may disrupt things on the Southwest border for a time, but it does not do us any good if there are other ports of entry.

You talk to the Coast Guard right now, and they are not able to intervene in some of the narcotics traffic on our seas because they simply do not have the resources, even when they know that they are there. And, that would be a very important aspect of our war on this drug epidemic we have.

Secretary KELLY. Well, you are right on the Northern border versus the Southern border. But, for right now, the Southern border is the problem. If we were to seal the Southern border—and I believe we can get—I know we will get control of our Southern border. That does not mean seal it but control it, go from where we were several months ago, almost no control, to some pretty good control. They will, given the drug demand in the United States, they will figure other ways to get through. We have to watch that and react to it.

Senator HASSAN. And, we also have to keep people in the northern part of our country safe. And so, one of the things—that is not a very reassuring answer to the people of New Hampshire or the other Northern border States.

I want to move on to another issue that we discussed the last time you were here. I asked you about an innovative way to protect DHS' systems from cyber attacks and the possible application of the Pentagon's pilot program to use hackers to probe the Pentagon's networks for vulnerabilities. The pilot program was called "Hack the Pentagon," and it has been very successful. In the few weeks that the program ran, the Pentagon collected 138 previously undiscovered vulnerabilities. Since then, the Pentagon has expanded the program, and the General Service Administration (GSA) has announced an effort to launch a similar program.

A little over a week ago, Senator Portman and I, along with others on this Committee, introduced the Hack DHS Act. That bill would instruct DHS to hold a pilot program to allow hackers to probe DHS' systems for vulnerabilities and report them to DHS. In return, DHS would pay the hackers a small sum of money for each

vulnerability they discover and report. As my friend Senator Harris said, we will fight hackers with hackers.

So, as you can see, a lot has happened since you were last here. At the last hearing, you promised to look into whether the Pentagon's pilot program would be a fit for DHS. So, I am just asking you today that you take a hard look at this bill. There has also been a similar bill introduced today in the House by Representatives Lieu and Taylor. And so, would you just commit to taking a hard look at those bills and seeing what the Department thinks of them?

Secretary KELLY. Senator, I absolutely will, and probably will not wait to see if this law passes.

Senator HASSAN. OK. Thank you.

Lastly, I have two more points. I do not want to reiterate everything Senator Peters said, but I will just let you know, as a former Governor who is in a State with lots of volunteer first responder forces, part-time police departments, and ongoing efforts to keep our State and do our part for our country's national security safe, too, the elimination or severe cuts to critical State aid and grant programs for everything from airport security to other kinds of security efforts to fight homegrown terrorism, you have to train ongoing. You need ongoing resources. We have an enemy who is evolving, and the notion that just because we have made improvements since 9/11 we can absorb this kind of drastic cut I think is just a really false notion. And, I would tell you that, having talked with my homeland security people in New Hampshire about the myriad of threats we are facing, the cuts here are really troubling.

And last, if I may, Mr. Chairman, I just would encourage—and maybe we can talk offline about the President's Opioid Commission. I understand that the first interim report is due shortly. We just have not heard anything about it. I know you are on the Commission, and I would love to talk later about that.

Secretary KELLY. Well, on that, if I could just have a minute, Mr. Chairman, to respond? Myself, Rex Tillerson, you may not have seen us with the Mexicans a couple of weeks ago, they are on board with our attempts to not only safeguard the Southwest border, their Northern border, but also get at the demand problem. I know Secretary Tillerson, Secretary Price, myself, and the head of the Office of National Drug Control Policy (ONDCP), who I have spoken to—and I like to think changed his attitude toward what his job is going forward—we will get together and put some real energy behind the demand reduction to include, obviously, the opioids. But, I think a big part of it, I think you will agree, I think we spoke about this, is this overmedicated society that we suffer from in the United States that just suggests to people all they have to do is put something up their nose, in their mouth, or in their arm to solve all their problems.

Senator HASSAN. And, one of the things that is going to be really important and really concerning, obviously, is the Administration's support for eliminating things like Medicaid expansion and requirements that insurance companies treat addiction, which gets at the overmedication and the overprescribing issue. So, I look forward to talking with you more about it. Thank you.

Chairman JOHNSON. Thank you, Senator Hassan.

I will again just point out, based on the baseline budget in 2004, it was $36.5 billion. Had it grown by inflation, it would be about $48 billion. Instead, it is about $70 billion. So, $22 billion more growth in spending for this Department because of those evolving threats. So, I just want to point out what the reality is in terms of the increase in spending over the last, whatever that is, 13 years.

Senator HASSAN. And, if I may—and I appreciate that, Mr. Chairman—my concern is that we are only as strong as our weakest link in this country.

Chairman JOHNSON. Again, we do not want to be penny wise and pound foolish, but we have dramatically increased the resources of this Department.Senator Paul.

OPENING STATEMENT OF SENATOR PAUL

Senator PAUL. Secretary Kelly, thanks for your testimony. The last time you were here, we talked about U.S. citizens coming across the border and being threatened with non-entry or detention if they did not divulge the contents of their phone, all of the contents of their phone, and your response was, "I just do not believe we are doing it." So, we asked some questions in writing, and we are still waiting on the response. That has been about 6 weeks or so. But, I thought I would list for you a couple of the public episodes of this happening.

This year, a NASA engineer and a U.S. citizen was pulled aside after coming back from Chile. They demanded the PIN for his phone, and they handed him a form that explained how CBP had the right to copy the contents of his phone, all the contents of his phone. He recalled that the form indicated that his participation in the search was mandatory and it threatened detention and/or seizure if he did not comply. The phone, ironically, was already a government phone. It was a NASA phone that they were wanting to search.

Two citizens were stopped on return from Canada. NBC did an investigation of 25 different cases of U.S. citizens being told to turn over their phones, unlock them, or provide passwords.

A U.S. citizen was taken off of a flight in L.A., handcuffed and released after a Homeland Security agent looked through his phone for 15 minutes.

A U.S. citizen journalist also had their phone taken.

So, I guess my question is: Is your answer still, "I just do not believe we are doing it?"

Secretary KELLY. My answer is we do not do it routinely unless there is a reason why, so that is a change. We do it whether they are citizens or non-citizens coming in. I think of the million or so people that come in the country, half of 1 percent is checked.

Now, typically, the officers—and always according to the law. Now, typically, the officers who are engaged in the front-line defense at the ports of entry, in their questioning of individuals for whatever has tipped them off, will cause them to have certain conversations, go down certain avenues of—not interrogation but, again, conversation. In the event of some indicator that perhaps the individual is returning from, sex tourism or something like that, we do catch a fair number of people in that regard. But,

again, Senator, very seldom done and always for a reason and always within the law.

Senator PAUL. So, the answer now is not, "I just do not believe we are doing it." It is, "We are doing it, and not that often."

Secretary KELLY. Right.

Senator PAUL. The policy they are being threatened with, though, is detention? How long will they be detained if they do not give you the PIN to their phone?

Secretary KELLY. It is a relatively short period of time. It is generally called "secondary" where they are follow-up questions. Once a decision might be made to put them into some legal justice system, then that is——

Senator PAUL. But, to you it is still—you are just fine with the policy that arbitrarily takes someone's phone, says you cannot come back into your own country?

Secretary KELLY. Not arbitrarily. There is a reason why they do it, Senator.

Senator PAUL. Well, no. The thing is it is arbitrary unless there are rules as to how you do it. What are the rules? In our country, if you want to look at my phone——

Secretary KELLY. There are rules——

Senator PAUL [continuing]. You call a judge in my country. So, this would not necessarily be American jurisprudence if you are just saying we might have some internal rules. Have you published what your rules are?

Secretary KELLY. At the ports of entry, whether a citizen or noncitizen, the officers have procedures to follow, but certainly rights to check baggage and in this case look into electronics. There are procedures. Whether they are published or not, are specific enough to publish, I do not know, but I can certainly get back to you.

Senator PAUL. We would like to see that. We would also like to see the form that threatens them with detention and/or seizure if they do not comply.

Secretary KELLY. Sure.

Senator PAUL. I can tell you I am not happy with the policy, and I wish it were different. And, we have actually introduced legislation to try to stop you from doing this and to make you go to a court the way we do in our country. Typically, we go to a court and you ask a judge, and you have to present evidence. You have to specify an individual, and you have to have a reason for doing it. Searching someone's phone, is not the same as searching someone's luggage.

Secretary KELLY. Would that law also prohibit us from looking in bags and things like that?

Senator PAUL. No, and I think there is a difference. And, I think that that is the whole point here, is that looking in someone's luggage for an immediate threat to the country, to the people, to the plane, etc., I think we have decided that that is within the scope of your jurisdiction. But, looking at someone's phone is a much more personal and much more extensive look into their life, and we just do not think you should be—it sort of horrifies us to think that you could not come back in your country, you know? People are now talking. There are people giving you advice to not take your phone abroad because when you come back home, your country will

not let you come home unless you let them look at your entire life. That does not seem like a fair tradeoff to be able to travel or for safety. And, I think there is a point at which we give up so much of our liberty to travel that has it been worth it, really? I mean, we can live in a secure State if we clamp down and we have no freedom to travel, and we give up all of our privacy to travel. I just do not think that is necessary. And, I think there can also be two different standards, frankly. I think there can be one standard for somebody who is coming for the first time from Afghanistan who has one name and no background. I am with you. We need to do more scrutiny on people coming to our country. But, if an American citizen leaves and comes back, I think, for goodness' sakes, they ought to still be protected by the Bill of Rights when they come home.

Chairman JOHNSON. Senator Hoeven.

OPENING STATEMENT OF SENATOR HOEVEN

Senator HOEVEN. Thank you, Mr. Chairman. Thank you, Mr. Secretary, for being here and for your good and very important work.

Where are you in terms of this extreme vetting process as far as having the procedures in place that you want, and particularly as regards the six countries included in the President's EO?

Secretary KELLY. I am sorry, sir. Where are we——

Senator HOEVEN. Where are you in the process of establishing your extreme vetting procedures the way you want to have them set up, and particularly as regards to the EO countries?

Secretary KELLY. Because, again, of my not wanting to get crosswise with the courts in any law, we have been very reserved in that. I will tell you that there are two aspects of this. Some of it I control, some of it the State Department controls. The State Department has recently issued a number of additional questions as an example that their consular officers will ask those that want to visit the United States on visas. That is a little bit of an easier thing because typically those people are coming out of countries—well, they would present a passport as an example, and there has always been certain questions in place that they would ask. Now there will be some additional questions about where they have lived and, it could be access to their electronic devices. But, that is outside the country.

In the case of refugees, I think the Senator knows that in many cases the refugees that we deal with have no paperwork that we can rely on. They have no passports. We have to take their word for it.

The United Nations (U.N.), as hard as they try—and I think the last time I was here, or one of the recent hearings, I talked about my interaction with the U.N. They are in the same position we are. Although they are not in the position of allowing people to come to a given country, they themselves, as they do their initial refugee screening—they do not do screening. They do refugee registration: What is your name? Where are you from? All of that taken on faith, good faith.

And then, it comes to us. In the past we have, I think, exercised entirely too much good faith, and I think the things we are looking

at is, OK, if you do not have a passport, you have no proof of who you are, then we need to know some additional facts and figures about you. How did you support yourself in a given country? Do you have any way to prove that you work for a living so that we can kind of prove who you are? What village were you at? Can you give us points of contact in a given country that we can call? That kind of thing.

But, in many cases, many of these refugees do not have any of that, so it would be very hard for me in good faith to then move them into the United States to establish, a home here.

But, I believe what will give us an advantage is when we start to deal with them on their social media accounts, their telephone, registrations, that kind of thing.

Senator HOEVEN. What about the Visa Waiver countries? You mentioned earlier that as we inflict defeat on the Islamic State of Iraq and Syria (ISIS) in the Middle East, there are individuals who have been in the Middle East and returning to other Western European and other countries with which we have Visa Waiver in place. What procedures, extra procedures, precautions are you taking to protect them from coming to the United States?

Secretary KELLY. Well, as I think the Senator knows, there are 38 Visa Waiver countries. As you might imagine—I know you realize this—they are countries that have more or less what we have. They have a working relationship with the United States, to say the least. They have a U.S. embassy locally to handle our affairs and look out for us. They have kind of an FBI and an Intelligence Community (IC) and all the rest with databases that allow us to tap into what they do. That is getting better, by the way, and I have commitments from many countries around the world because of the laptop ban that we implemented in 10 airports about mid-March.

But, the point is we are in very good shape in those countries. We have confidence in their systems and how they interact with our systems. Not every country, though, say in Europe is a Visa Waiver country because some of them have not got—even though they are, Western countries, First World, they do not have what we think they need. So, we set the bar very high, and they have in most countries—certainly 38 have met that bar.

But, that said, again, the long pole in the tent is, as Jim Comey would say, the database is only good if you are on it. And, not to get into it—I do not want to be too open about this in an open hearing, but some of the more recent terrorists in England or U.K. may not have been on any of those lists, so that had they decided to come here—you are exactly right——

Senator HOEVEN. That is my question.

Secretary KELLY [continuing]. Had they come to the United States, they would have certainly been able to buy a ticket and fly to the United States. Now, their baggage and everything would have been subject to the normal protocols, so my sense would be that, they would not be getting on the airplane with a bomb or something like that, if they got here, hopefully. And, if they got here and were trying to do something about that, you know that. But, if they got here, then it would possibly be problematic. But, the point is there is a certain point where I do not think we either

have a Visa Waiver Program (VWP) or not. And, I can tell you, the 38 countries that are on it are committed to it. We are all committed to making it better. Right now I am comfortable with where we are on it.

Senator HOEVEN. But, clearly, we have to react to events and take extra precautions, right?

Secretary KELLY. We do.

Senator HOEVEN. In regard to Senator Hassan's comments regarding the Northern border, one of the best tools you have—and you and I have talked about this—both at Homeland Committee Appropriations as well as this Committee, is the unmanned aerial systems (UAS). Kevin McAleenan, your Acting CBP Director, who, by the way, is absolutely fantastic, was out in Grand Forks. We have 900 miles of border responsibility, all different kind of terrain, all the way from Lake Superior all the way throughout most of Montana. The UAS is a great tool. You are collocated in the Grand Forks Air Force Base. We are looking at new facilities. We are working with him. I would ask for your strong support for him in that effort.

And, also, with the technology park we have there at the Grand Forks Air Force Base, it is really a unique opportunity to develop that UAS tool, which helps you on the Northern border and the Southern border.

So, again, I want to commend him and commend him to you and ask for your support for his good efforts. That is a tool that can really address some of the concerns that she raised.

Secretary KELLY. Senator, I agree with you. Thanks for the comments about Kevin. He is really a first-round draft choice.

Senator HOEVEN. He is an All-Star.

Secretary KELLY. I cannot wait to get him confirmed, or hopefully the Senate will confirm him.

Senator HOEVEN. I agree. Thank you for all you are doing.

Secretary KELLY. Sure.

Chairman JOHNSON. Senator Harris.

OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you.

Secretary Kelly, as a follow-up to Senator Tester's questions, you mentioned that you have in your career had back-channel conversations with foreign governments. Is that correct?

Secretary KELLY. I had people I could rely on to pass information to foreign leaders.

Senator HARRIS. And, was that in your current capacity as a member of the President's Cabinet?

Secretary KELLY. That was in my capacity when I was in uniform. I would not hesitate to do it now.

Senator HARRIS. And, did you initiate any of those conversations such that you initiated that they would take place inside the embassy of a foreign government?

Secretary KELLY. I have gone to embassies both in my current assignment as well as in past assignments or met with members of the diplomatic corps from other countries, and——

Senator HARRIS. Have you initiated back-channel conversations——

Secretary KELLY. Can I finish what I was saying?

Senator HARRIS [continuing]. To occur inside of those embassies as opposed to attending a cocktail party?

Secretary KELLY. I have had conversations with members of foreign diplomats in various places and talked to them about my perception of what they could do better in response to things that the U.S. Government would like to see them do.

Senator HARRIS. Thank you.

Secretary Kelly, included in the President's budget is a provision that says, "The Secretary of Homeland Security may condition a grant or cooperative agreement awarded by the Department of Homeland Security to a State or political subdivision of a State for a purpose related to immigration, national security, law enforcement, or preventing, preparing for, or protecting against, or responding to acts of terrorism. Specifically, the budget authorizes the Secretary to condition grants on compliance with any lawful request by DHS to detain an alien for a period not to exceed 48 hours."

Are you familiar with that?

Secretary KELLY. I am fairly familiar with it, yes.

Senator HARRIS. I am sorry?

Secretary KELLY. Fairly familiar with it, yes.

Senator HARRIS. Grants that are subject to new conditions would include the Urban Area Security Initiative, a DHS grant that provided California last year with $124 million to help urban areas prevent, mitigate, and respond to acts of terrorism. This grant supports more than 100 incorporated jurisdictions in 12 counties in the Bay Area of California alone. It supports them to buy equipment, enhance systems, and conduct trainings so that localities can prevent, mitigate, and respond to acts of terrorism. Are you aware of that?

Secretary KELLY. That is a good thing.

Senator HARRIS. Another DHS grant is the State Homeland Security Grant Program that provided California $60.2 million last year to support State, local, and tribal efforts to prevent terrorism and to prepare the Nation for threats and hazards that pose the greatest risk to security in the United States. Is that correct?

Secretary KELLY. I wish I had the same document I could read from as you do.

Senator HARRIS. Are you familiar with this grant program in your Department?

Secretary KELLY. I am familiar with the grant program.

Senator HARRIS. And, are you aware that there are a number of Federal courts that have imposed civil liability on local governments for complying with ICE detainer orders that were not supported by probable cause? Can you answer the question?

Secretary KELLY. Am I aware of that?

Senator HARRIS. Yes.

Secretary KELLY. I am.

Senator HARRIS. And, in order then to comply with the 48-hour ICE detainer made with no probable cause, would that not force the jurisdiction to choose whether to comply with the Federal court ruling or forfeit vital public safety funds that are administered by your Department?

Secretary KELLY. I am not a lawyer, but I think that Federal law is Federal law as State law is State law, and if we have a different view of the impact of some of the State rulings.

Senator HARRIS. Well, imagine, sir, if you will, that you were a local law enforcement leader presented with a choice of either complying with Federal law that means that you may expose your department and your jurisdiction to civil liability or forfeiting DHS funds that are designed and intended to help you fight terrorism at a local level, would you not agree that puts those law enforcement leaders in—it is almost a Hobson's choice?

Secretary KELLY. Well, Senator——

Senator HARRIS. How are they supposed to choose?

Secretary KELLY. Had you not cut me off, I would have said the same thing you just said, probably not as eloquently but I would have said the same thing you said. I appreciate the fix they are in. I appreciate that they get their legal advice from the State and locals. And, below the radar, we work with every police and sheriff department in this country to the degree that they can and are comfortable with.

Senator HARRIS. Secretary Kelly, what do you mean, "below the radar?" They have two choices, and they are accountable——

Secretary KELLY. Talk to them on the phone——

Senator HARRIS. Excuse me, sir. They are accountable to their jurisdiction, to the bodies that may have appointed or elected them, and they have to make choices. What do you mean, "below the radar?"

Secretary KELLY. We talk to them on the telephone, and——

Senator HARRIS. And, what are you instructing them to do when presented with those two choices?

Secretary KELLY. And, we tell them to—whatever they can do within the law, the interpretation, we are willing to work with them.

Senator HARRIS. So, are you aware that there are local law enforcement——

Secretary KELLY. Could you let me at least finish once before you interrupt me?

Senator HARRIS. Sir, with all due respect——

Secretary KELLY. With all due respect, Senator.

Senator HARRIS. Are you instructing local law enforcement leaders that they can overlook a DHS detainer request so they are not exposed to criminal liability?

Secretary KELLY. We talk to them about whatever they are comfortable with, whatever they think they can do within the interpretation of their local Attorneys General (AG), as an example, or local lawyers——

Senator HARRIS. So, when they are——

Secretary KELLY. Could you let me finish once?

Senator HARRIS. Excuse me. I am asking the questions.

Secretary KELLY. But, I am trying to answer the question.

Senator HARRIS. When they tell you, as I know local police chiefs are being told, that it would expose their municipality to civil liability if they comply with the detainer request, are you telling them that you will not withhold the DHS Federal funding that they rely on?

Secretary KELLY. OK. Before I start to answer, will you let me finish?

Senator HARRIS. If it is responsive to the question, of course.

Secretary KELLY. We talk to them on the phone and tell them whatever they are comfortable with, whatever they can do within the interpretation of their local lawyers or legal advisers, we will work with them.

Senator HARRIS. So, are you willing to then not withhold Federal funding when police chiefs tell you that they cannot comply with the detainer request because they have been told by their lawyer that they will expose their jurisdiction or their department to civil liability?

Secretary KELLY. I am willing to work with them in any way I can within the law, Federal and local law, whatever they are comfortable with. I do not make threats to people, Senator.

Senator HARRIS. Thank you. My time is up.

Chairman JOHNSON. Thank you, Senator Harris.

By the way, there is actually a very simple fix for this predicament, and it is a huge predicament. Let us pass a law to give those local law enforcement officials liability protection against those civil suits, because part of Pat Toomey's sanctuary city law, that could clear up this whole difference. So, there is actually a pretty simple fix here which I would certainly support.

Senator HARRIS. And, I would support any fix that would not withhold funding for local law enforcement to meet the demands that they face around combating terrorism in their local jurisdiction.

Chairman JOHNSON. Great. So, this could be a bipartisan solution here.

Senator HARRIS. Potentially.

Chairman JOHNSON. Let us provide that civil liability protection against those civil suits so local law enforcement are not caught between a rock and a hard place in a very difficult situation. So, let us work on that together. I would appreciate that. I am sure Secretary Kelly would enjoy working with us on that as well. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks. Mr. Secretary, thank you for joining us today. It is good to see you.

When I first heard the words "St. Elizabeths," I thought, Why would we spend that much money on creating a campus, if you will, a home, a consolidated home for the Department of Homeland Security? And, over time I became convinced that one of the ways to actually enable the leadership of this Department to manage their Department and to improve their performance and, frankly, improve the morale of the employees is to actually pursue and implement the plan to create this campus. When Jeh Johnson became the Secretary, he had the same kind of misgivings that I originally had about the proposal.

Would you just take a moment and tell us whether you have had a chance to get a feel for this and how your Department is so far-flung——

And, what do you think we ought to do? And, how does the Administration's budget actually take us in that direction or not?

Secretary KELLY. Well, Senator, we are in—I cannot count the number of locations around the city. Various parts, every part of Homeland Security is just spread out over all of Hell's Half Acre here. To bring all or most of it or some of it together over at St. Elizabeths makes a lot of sense just from the point of view of time management. I mean, first—and money. We spend a huge amount of money renting, choice downtown real estate here in the city. We could avoid much of that. I think we would realize, if and when St. Elizabeths opened, billions of dollars in savings over 5 and 10 years.

But, the other issue is time management. I mean, it takes me half an hour to get from where I sit most of the time to meet with CBP or ICE or whatever, and then, obviously, half an hour to get back. Sometimes I do that two, three times a day. It kills either my time management or their time management. I do the best I cannot to inconvenience the people that work for me. But, it would be an advantage to be more or less in one place. St. Elizabeths seems to be the locale. But, frankly, as I have gotten smart on that particular location, there are some worker issues that we need to sort out, and we can do that in terms of transportation, access to Metro, that kind of thing.

But, overall, it would be a cost savings as well as a time savings if we were to consolidate much of the headquarters effort in one location—St. Elizabeths.

Senator CARPER. There are two pieces of funding. One is for GSA, and the other is for the Department of Homeland Security. I think one is for infrastructure and one is for if you go for a fit-out. And, one of them is—I think the GSA piece is funded in the 2018 budget. The DHS funding is not there, so I would like to follow up with you on that and certainly talk with our appropriators, some of whom are on this Committee, I believe.

Secretary KELLY. Yes, sir.

Senator CARPER. I want to go back down to the Southern border. We see some substantial increases in funding for CBP, for ICE, money for detention centers, money for a wall. There is also money for what I call force multipliers. I am a big believer in force multipliers. I am not a big believer that we need a 2,000-mile wall. There are some places where a wall makes sense, but the idea of investing these force multipliers that have been demonstrated to be effective is good.

You and I have talked often about root causes, and the root causes of why the people continue to come from Honduras, Guatemala, and El Salvador has a lot to do with our insatiable demand for drugs. Drugs are trafficked through those countries. They come to us. We send them money and guns. And, we set up something called the Alliance for Prosperity a couple of years ago. Actually, those three countries set it up, and we came in, and as you know well—you were there at the creation—to try to emulate what has been accomplished in Colombia.

Do you have a sense for how things are going in those three countries with respect to the goals that they set themselves on the Alliance for Prosperity?

Secretary KELLY. A great question and really a great story. Not perfect, but a great story. Based on the confidence that Congress and the previous Administration put into the three Northern Tier countries in helping them out, recognizing that, first of all, they have a problem; much of it is generated by our insatiable appetite for drugs, that those countries are nearly failed States, much as Colombia was 20 years ago and is not today. So, the miracle can happen. I mean, Colombia did it. And, frankly, at the time, Plan Colombia was put together by the U.S. Congress with a lot of resistance in other places and, as you know, I think, Senator, put some American money—I think 4 cents on the dollar, but ultimately it is a miracle that has happened in Colombia. So, when people tell me it cannot happen in Central America, I tell them to look at Colombia.

So, that said, the Alliance for Prosperity, the three countries putting their own money into it, then through Congress, the Obama Administration, Vice President Biden was a huge help in this, as you know, get some additional U.S. funding put against it, controlled in the right way.

So, what has happened in Central America since we worked on the Alliance for Prosperity? Violence is down. Honduras, El Salvador, and Guatemala used to be the three most dangerous countries on the planet—more dangerous, frankly, than Afghanistan and Iraq was at the time. They have cut their murder rates by either a third or more. Still horrific, but cut it a third or more, all with human rights in mind, all with the rule of law in mind.

They have a long way to go, but their economies are starting to grow. They have gotten their arms around the corruption. Four or 5 years ago, when I took SOUTHCOM, everything was going in the wrong direction on Colombia—or in Central America. I just read a report this morning where they have either stabilized, not getting worse, or getting better. That is huge.

I think you know, in addition to my outreach, back-channel communications in some respects, to the leadership down there, through religious organizations and non-governmental organizations (NGO's) so that I do not make it official but they know where I am and where I am going on these issues, we have also asked them to ask their citizens to not waste the money and head north, to not get on that terribly dangerous network that I described before, stay where they are, because if they come here, this is no longer an illegal alien-friendly environment. It is a very legal alien—and as the Senator knows, 1.1 million people a year. But, it is no longer a friendly environment for illegal aliens. Do not waste your money. Do not go on the dangerous network.

What we are doing, we have put together—frankly, the DHS has been the energy behind it, although it is not my job. We have passed it off to the State Department. So, next week, in Miami, we are bringing together as cosponsors of a conference on the Northern Tier countries; Mexico, great country, great partner, and the United States cosponsoring. We have observers coming in: Canada, I think Spain, certainly Costa Rica, Panama, Colombia, maybe Peru, for a 2-day conference. That conference will be led by the Vice President. I will be there; Secretary Tillerson, as well as Secretaries of Commerce and Treasury will be there.

The point is the first day we will bring together investors to do the best we can to stimulate what is going on in those three countries economically, and then the next day will be security issues, trying to get at the human trafficking and the drug trafficking. And, just last week, I was down in Haiti meeting with the new leadership there on another issue. I suggested that maybe the Haitian President come on board for one of those days or at least do a cameo-type appearance.

So, what we are trying to do is help them solve their problems at home economically. We have already helped them solve the security—not solved, helped them go in the right direction on security, and with a little luck, we might actually be able to help them. But, if we do not reduce the drug demand in the United States for heroin, cocaine, and methamphetamine, this is all a complete waste of time.

Senator CARPER. Yes. Well, I would just say to my colleagues, the Secretary said I asked a great question. I thought he gave a great answer. And, I think you have made the case for continued support for the Alliance for Prosperity. Just like in Colombia, the lion's share of the responsibility rests on these three countries. We did not just say to Colombia, "We are going to come in and solve your problems." We said, "You solve them. You can do it, and we can help." And, we said the same thing with these three countries, and you made the case for it.

I am delighted to hear about the summit. I do not believe our schedules allow us to go and participate, unfortunately, but my thoughts and prayers will be with you on your efforts in this regard. Thanks so much.

Chairman JOHNSON. Thank you, Senator Carper.

Just a moment of clarification. You mentioned 2,000 miles. So, there is no confusion, this budget is literally requesting 74 miles of fencing—60 new miles of fencing, 14 replacement in the San Diego Sector. I was just down there. It is amazing how many holes have been cut into that San Diego wall and have been repaired. And, the 60 new miles, 32 miles of that is in the Rio Grande Sector, new fence, new wall, and 28 is part of a levee system. So, again, we are talking about 74 miles over, 1,700 to 2,000 miles. I think that is a pretty reasonable request. Senator Heitkamp.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. Thank you, Mr. Chairman.

And, again, welcome, Mr. Secretary. Of course, you know what my question is going to be. How soon are we going to see the Northern border report as mandated by Federal law?

Secretary KELLY. I will get back to you today. I do not know, but in all seriousness, let me take it for the record. I am sorry.

Senator HEITKAMP. OK.

Obviously, we had hoped we would see it in June. I think we have some reason to believe it is going to be delayed. But, it makes my broader point, which is, we need a strategic plan in terms of border security, and one thing that we hear about is fencing, and I have spent a lot of time on the Southern border. I believe that barriers can be enormously effective as they have been in the San Diego area. But, again, we know that most drugs—at least the pre-

vious Administration would tell us that most of the drugs that we are talking about are coming through the points of entry and not walking across the border in remote locations.

What additional strategies do you have to do additional screenings? Where is the investment in more personnel, more screenings, more technology at the points of entry?

Secretary KELLY. In a sense, that is part of the border strategy. There is no doubt—and I know a lot about this from my last job in particular, but there is no doubt that heroin, methamphetamine, and cocaine primarily come through the border in vehicles, primarily. Marijuana is in some cases humped around, through the desert. But, for the most part, the three big killers in the United States come in, and if Kevin McAleenan—and just a tremendous professional, and dedicated, my hope is that the Senate confirms him. But, he is already in a role that makes him very valuable. I have asked him to look at the technology after next in terms of looking into vehicles, tractor-trailers, things like that, to look at the voids, as they are called, so we can decide which vehicles get searched, broken down, and to increase the number of vehicles.

The other way to do that—we already do it in Canada. We are doing it in Mexico, and that is to work across the border with the Mexicans or the Canadians in terms of facilitating movement of transportation, looking at vehicles before they are locked and sealed on the way north.

So, it is a multifaceted approach, but if I could—and I will just end with—but if we are trying to do this on our border, we have kind of already lost. The place to take the tonnages out, working with the Mexicans, which we are, to help them locate the heroin, the poppy fields which they can destroy, working with the Mexicans to identify, and we are, and they are, destroying the methamphetamine labs——

Senator HEITKAMP. And, just to raise a concern there, we obviously have in the past had pretty good relationships with the country of Mexico. We saw in a regional election the ruling party coming very close—in fact, not getting a majority. The last thing we need is to not have strong and great relations with the country of Mexico. So, I would just ask you and urge you, given your experience in the region, to encourage this Administration to look at the entire relationship, whether it is a trade relationship, whether it is a border security relationship, or whether it is just respectful talk, that that does us no good. I want to just cover a couple——

Secretary KELLY. I work at it every day.

Senator HEITKAMP. I want to cover a couple of quick points.

I have beekeepers who cannot get seasonal workers in, and it just seems like the delays are getting longer and longer for the H–2B visas and the H–2A visas, and seasonal workers cannot wait. How long do you think is a proper timeframe to get an answer on whether we can get workers in the country? And, what are you doing to meet the requirements of the law but to expedite especially for seasonal agricultural workers?

Secretary KELLY. The A workers, I know we already have large numbers that come in and have been coming in over the years. But, looking on the B side, H–2B, working with labor, this is all

about—in the current Administration, this is all about American jobs versus people that come in and do the work.

Senator HEITKAMP. Except I have doctors who cannot get in. If the Administration wants to send me beekeepers and doctors and a whole list of Americans who want those jobs, we will be glad to do that in my State. But, we have to recognize that in the meantime, especially as it relates to physicians, it is extraordinarily difficult to recruit physicians to my State. And, we have seasonal workers who we cannot—I mean, obviously, we would love to hire locally, but that is becoming increasingly impossible. And so, I will probably submit a question for the record.

Finally, because I am running out of time and I want to get enough of this in, if you look at local border enforcement, the critical component in States like ours is not just technology, as Senator Hoeven talked about, but it is having a strategy and a plan. And, that strategy and plan has to involve local law enforcement. You have Border Patrol in North Dakota that, when they are patrolling the border, they are in radio contact with your people back in your points of entry, back where Border Patrol would muster and deploy. So, we know that we have to have that backup.

One thing that concerns me, and it goes to the FEMA grants, it goes to this idea that we can cut grant programs and still provide those services. Stonegarden has been an enormously successful program. Really concerned about reductions in the commitments to local law enforcement, not just for border security but for safety of the personnel who are on the border. So, I would ask you to please pay close attention to this budget as it relates to working with local law enforcement, local first responders. They are force multipliers, and without those resources, they are going to have to cut back on resources, and that reduces our readiness. I do not think there is any doubt about it.

Secretary KELLY. OK. I will.

Senator HEITKAMP. Thank you, Mr. Secretary.

Chairman JOHNSON. Senator Heitkamp, I would ask you to take a look at my State-based temporary visa program. I think it would solve an awful lot of that problem right there.

Then just kind of a comment to majority staff, minority staff, as well as the Secretary. We should really have an alert for witnesses to be prepared to answer questions on the Northern border.

Senator MCCASKILL. We have way too much Northern border——[Laughter.]

Chairman JOHNSON. There is not much of the Northern border that is not represented on this Committee, so that is always an issue.

Secretary KELLY. That is why I love appearing before this Committee. [Laughter.]

Chairman JOHNSON. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. So, my Northern border is Kansas, and we have had our moments, but we are getting along just fine.

Let me talk about a couple of other things as well. One is you and I have spoken even in the past 2 weeks about REAL ID and some of the extensions and the process and the decisionmaking on

that. At the time we talked before, I said, hey, the deadline is coming up June 6th for that. We were going to try to get back to it quickly. There has been a delay on this. So, there are several issues that are pending out there for States like mine and others that are working through the REAL ID process. For those our legislatures passed issues with REAL ID, working through implementation and such, that has been fairly automatic that if you are making progress and you are working through implementation, then those extensions are coming. It seems to have delayed this time until literally the very last second, and then we are still waiting to be able to determine what is the decisionmaking factor on that. So, help me understand a little bit better so we can take that back.

Secretary KELLY. So, the first thing I would say, I had a lengthy meeting earlier this week—yesterday—on this because actually today was the day that normally I would have made the decision to extend or not. Now, I think the Senator knows, I think it is July 22nd before anything would stop.

Senator LANKFORD. Right.

Secretary KELLY. So, I have a little bit of time, and I have sent my staff back to kind of take a harder look at where—as you know, most States are either compliant or getting toward compliant. In fact, there is really only one State that is kind of not going to, I believe, if all the promises are met, will not make it. But, I have asked my folks to go back and start looking at some of the States that have not been as active as they maybe should have been over the last 12 years to implement.

They have been in contact with these States, the Governors, the Attorneys General, whoever is in charge of this kind of thing. We have for the most part commitments from the States to really get at this issue. But, I have asked them to just go back one more time, if need be, talk to the States about the extension and what it means.

Bottom line—and in that meeting they told me, "Secretary, 3 months ago we had States that were not even paying attention to this, that were getting dangerously close to not being able to implement before the deadline. They have all got the message," they said, "Mr. Secretary, and with the exception of one State, they are all in there doing the right thing, getting close to it."

So, I know I will make a decision next week, likely will extend for 6 months until October, and then we will take a hard look then. But, the good news is, with a lot of pushing and shoving and gnashing of teeth over the last 10 years or so, most States are on board, and I believe all but one will be compliant.

Senator LANKFORD. So, let me just give you a couple of inside pieces on this. When you talk about we have a little bit of time until basically late July, let us say that at some point DHS comes out and says, no, that driver's license is not going to be extended. Then that means everyone has to get a passport, which in the summertime takes 6 weeks minimum to be able to do.

Secretary KELLY. Right.

Senator LANKFORD. Plus you have to contact people and let us just start with the military base or a Federal courthouse and to be able to tell everyone coming to a Federal courthouse you are going

to have to have something different. You are going to have to get a passport.

Well, first, you have to identify who is coming to the Federal courthouse and be able to contact those folks and give them 6 weeks of lead time to get their paperwork together to be able to do it. We are out of time. Once you get to the June 6 time period to know that deadline is really coming up, if drivers that are doing deliveries, the people that are refreshing the convenience store in a Federal building, the people that are bringing groceries into the facility onto a military base, if they have to all have some sort of other passport or something, that is going to take a long time to be able to get geared up. So, the earlier those waivers can be released, the less anxiety it is in all of those locations, because all of them are currently spinning up in each of those States to try to figure out how we are going to accommodate around this just to be able to get supplies and equipment brought in, or people coming in to apply for a job onto a military base as a civilian cannot even come and do that without an escort to be able to do it. So, that will be a big issue.

The hiring process we have talked about before for CBP. Any progress on that of late? Because we are still talking 460 days for hiring. And then, the polygraph issues, have there been any changes since you and I have spoken last?

Secretary KELLY. Yes, Senator. A couple of things. One, on the polygraph issue we will continue to polygraph, but there are other ways to polygraph. I did not realize this, but Kevin McAleenan, who is the designate and hopefully will 1 day be confirmed for the directorship of CBP, has told me that there are other techniques, other questions, things like that, that still maintain the vetting process but are faster. There are other parts of the Federal Government, not to mention the State and local, that have polygraphs that are a lot less——

Senator LANKFORD. Right, so they have a fail rate in the 30s, and CBP has it in the high 60s.

Secretary KELLY. My daughter works for the FBI. She said her polygraph was a fairly pleasant experience. It took an hour and 10 minutes. They asked all the right questions, and she was out of there. By contrast, 6 or 7 hours. So I just, when I came in, said let us take a look at it.

Senator LANKFORD. That could be the first time I have ever heard anyone say that polygraph was a fairly pleasant experience.

Secretary KELLY. I love it. [Laughter.]

Senator LANKFORD. So, let me ask about the entry-exit program. Is everything still on schedule for that? We have spoken about that before.

Secretary KELLY. Well, it is like anything. The entry at the airports, we do it well.

Senator LANKFORD. Right. It is the exit.

Secretary KELLY. Working hard—and entry at the ports of entry. But, the exit is—it is not a bridge too far, but it will take some time, effort, but we are working toward——

Senator LANKFORD. So, the pilot is on track? I guess what I am trying to figure out is by the end of next year, we are trying to implement that nationwide. Are we on track at this point to be able

to implement that at airports nationwide? We still have a long way to go on vehicles and other entry-exit points.

Secretary KELLY. Airports, I think I am comfortable with saying yes.

Senator LANKFORD. OK. So, there was an announcement made by DHS on temporary protected status (TPS) for Haitians to extend it for 6 months, but it basically raised a red flag for them and said, "Hey, this is it." The situation has changed in Haiti that demanded the temporary protected status years ago. It may or may not be there. What I want to ask is: Is this an alert for Hondurans, for Salvadorans, for everybody on temporary protected status, that DHS is going to look at the situation that started temporary protected status and ask if that situation has changed?

Secretary KELLY. Senator, it is an alert, but that said, for whatever reason, once someone goes on this status, traditionally or historically they just automatically renew it.

Senator LANKFORD. Right.

Secretary KELLY. Some of the Central Americans have been on status over 20 years, and they were put on status because of a hurricane that happened over 20 years ago. I can tell you that things are going better in Central America, much better over the last 20 years, in many ways better. But, no one has ever looked at it, and I think that we have to do that. There is a law. In Honduras—not Honduras, Haiti 7 years ago, and the program was for a specific event. In Haiti it was the earthquake. Yes, Haiti had horrible conditions before the earthquake, and those conditions are not much better after the earthquake. But, the earthquake was why TPS was granted, and that is how I have to look at it.

Now, that said—and I do not want to get too far out front here, and I certainly would not suggest anything hard to Congress, but there are about, we do not know, 200,000 to 400,000 people in the United States on TPS, the vast majority of them behaving themselves, the vast majority of them have clearly got jobs and all the rest of it. They are here more or less legally. A lot of them were not, but they were given TPS, so I would make the assumption they are here legally. That may be—we may think, you may think that a solution to this would be to look at them and say, OK, how many of them do we know are here and use that against the 1.1 million legal migrants with a way toward citizenship. That may be a way to solve it.

I can look at the Haitian situation and say 7 years, it is a long time, but it is not so long that some of them—all of them might be able to go back. Twenty years, it is kind of hard. But, I would like to see this solved in another way, but according to the law, I do not have the ability to solve it. But, the word is "temporary," and I think those that have been in my position over the years have simply automatically extended it. So, the 6 months—and I was down in Haiti last week, spoke with the leadership. I said during the 6 months, you, Haiti, need to start thinking about travel documents and how you are going to bring these people, who, by the way, are generally better educated, entrepreneurial, would be, I think, a boost to the Haitian economy and social function, and by the same token those that have been allowed to the United States, to remain in the United States under TPS should start thinking

about going back to their homeland, unless they—and if they feel as though—and I said this in Miami right after the Haitian trip, many of them at this point probably have different immigration status anyways in the sense that they have married local men and women or whatever. So, they need to get on and consult with an immigration expert to find out if they have status.

But, at the end of it, the word is "temporary" unless we change that, unless you change that to permanent somehow.

Senator LANKFORD. Got it. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Daines.

OPENING STATEMENT OF SENATOR DAINES

Senator DAINES. Thank you, Mr. Chairman.

Secretary Kelly, it is good to see you again. Montana recently passed a law—and it has been signed by our Governor—for REAL ID that I think is going to bring us a solution to the dilemma we faced. We still need an extension to get it put in place, but we will offer Montanans two IDs. You can get a REAL ID-compliant driver's license or one that is not and pay a premium for the REAL ID-compliant, but I think we have a path going forward. We will need an extension just as we get this system implemented, but the Governor has signed the bill. I think we finally have a path forward with the impasse that we have had here for certainly quite some time.

I have to say something here, Secretary Kelly. This chart[1] you shared showing the reduction in apprehensions across the Southwest border I think is one of the most under-told stories in the country at the moment, to think that we have seen a nearly 70-percent drop in illegal Southern border crossings under your first few months of leadership, and it was accomplished by sending a message to the world, and particularly down south, that the United States would enforce its laws. Thank you, as we are nation of law and not a nation of men that you have led with President Trump, and I think we need to get this message out more. I have spoken to a lot of my friends and constituents back in Montana, and that message needs to get out. So congratulations.

And, as we have seen the horrific attacks in London—there is breaking news now of a crazed man in Notre Dame cathedral here in the last few hours. Who knows if it is a terrorist attack or not? But, the point is it seems like we are 24 by 7 breaking news with these horrific attacks around the world and that we have seen in London. Homeland security will remain our top priority and challenge, and I look forward to continuing to work with you to ensure you have the resources to keep our Nation safe.

Secretary Kelly, we have discussed the impact of methamphetamines coming from south of the border on Montana's families. In fact, about one-third of the children in the Montana foster care system are there because of parental meth use, and most of that meth we believe is coming from Mexico.

Recently, Senator Peters joined me in introducing the Child Protection and Family Support Act. It is going to help these children.

[1] The chart referenced by Senator Daines appears in the Appendix on page 53.

But, we also need to continue to fight against the flow of drugs. I know CBP is requesting an additional $2.9 billion. What will this mean for the interdiction of meth at the border?

Secretary KELLY. I hate to say this. Probably a drop in the bucket. Necessary. And, you and I have talked about this, Senator, and made a few comments since this hearing. Really, we have to take a much more holistic approach to this: demand reduction, rehabilitation. Certainly law enforcement plays a role in the homeland. The Southwest border plays a role. Our partnership with Mexico—and here I think it gets more and more important. Our partnership with Mexico, to use the example of heroin and meth, as you say, they are cooperative with us. Just recently, within the last 60 days, they destroyed two massive methamphetamine labs. And, by the way, the reason the production of meth has migrated so heavily toward Mexico—and this is the balloon effect we talk about. When we do something that is effective, the cartels figure out a way to get around it. And, it is a cat-and-mouse game that never ends. Right now it is the Southern border, as I mentioned earlier. Tomorrow it could be the Southern border or containers, depending how effective we are.

So, the U.S. Congress passed legislation 10 years ago, something like that, and restricted the precursor chemicals, the availability of the precursor chemicals to make meth. Up until that point, meth was made in a million little places in the United States, in tiny little laboratories. And, I use the term loosely there.

Two things: The Congress reduced the availability of the precursors, and the cartels, as they have become more and more successful and sophisticated, said, "OK, well, if they were responding to a market": "If the United States wants to try to kill themselves on methamphetamine, heck, we can do it for them." And so, that is why it has migrated. Again, Congressional action in terms of restricting the precursors and then simply the cartels taking it up and marketing it.

So, that is primarily, in my view, the solution to the problem: working with Mexico, yes; the Southwest border, for sure; and increasing the amount of take we take there, yes. Internal U.S. law enforcement. But, Senator, it really is all about demand reduction. We will always have addicts. Studies tell you that, any population always included certain people predisposed to being addicted to something. But, an awful lot of these people—my personal experience as a kid, an awful lot of people start doing drugs because it is cool, there is no argument against it, and suddenly they are hooked on something, fill in the blanks, and they cannot get away from it.

We have solved—not solved. I have appeared in this hearing a year ago April and talked about this issue of how we have managed to convince people over the years: seat belts, smoking, a lot of different things. You never get to zero, but we could do a lot better. I think the President has DHS, State, the Department of Health and Human Services (HHS) in the lead, ONDCP. So, if we could get a comprehensive drug demand strategy put together that just is not law enforcement, it is Hollywood, it is professional sports, college sports, the President of the United States, the Senate, ev-

eryone out there, the influencers, we can solve this problem or reduce this problem significantly.

But, back to your original question, we need the money, but it is a holistic thing, and it is not just a CBP guy on the border.

Senator DAINES. Senator Portman and I and a couple of others were over in Beijing just a couple of months ago working on getting U.S. beef into China. It was one of our missions. We were talking to North Korea as well. But, Senator Portman brought up the issue with the Chinese Government to stop the flow of fentanyl and carfentanil, which you can buy on the Dark Web. Oftentimes it comes out of China. So, this holistic approach is certainly the right approach, and I will continue to work with you on that.

I want to shift gears for a time and talk cyber. As the budget request reflects, cyber is a national priority. The requested increase for the National Protection and Programs Directorate (NPPD) would help meet the current cyber threats, but we need to also stay ahead of these emerging threats that we see everywhere.

Back in February, in fact, I introduced a bill, the Support for Rapid Innovation Act, which provided the Science and Technology (S&T) Directorate direction and authority to leverage limited resources with the private sector and academia to research and develop the next generation of cyber protection capabilities.

Despite the proposed cuts, Secretary Kelly, how will the S&T continue to support cyber research and development (R&D) in fiscal year 2018?

Secretary KELLY. Sir, first of all, I would like to just say a couple of words about the effort right now. On the morning that the malware was unleashed on Europe—and I went to the White House Situation Room, and as we watched that worm its way around the world, infecting hundreds of thousands of systems. We had FBI, DHS, and, well, everybody. When it first started, "we," DHS, had made notification to those private and public entities that we deal with constantly and said something is up, put the word out, put the alert out. Other parts, including DHS, started to do the forensics on the thing. What is it? What is it doing? What is it made up of? Where did it come from? And, I am very proud to say that everyone in the room was constantly deferring to what is next. What do we do next? This includes NSA with DHS. Not that DHS professionals did it all, but we were the central focus of it.

And, I am very proud to say that through the efforts of my predecessors and the U.S. Congress and others, that malware came to the United States but was contained to a handful of systems and contained within those systems. It is as if it never came across the ocean, so to speak, and we helped nations overseas contain it.

That said, we need to get better because the threat is changing, morphing, and this Administration, to pat it on the back, and certainly my Department of Homeland Security are focused on increasing the protections better than they are now, particularly as we interact—and we do heavily interact—with private entities, Microsoft, people like that. It is one team, one fight, and can only get better.

Senator DAINES. Thank you, Secretary Kelly. And, I just want to thank you again for, when the President asked you to serve in this

capacity, that you said yes. I am just grateful for your leadership and the early results you are already seeing because of your leadership. Thank you.

Secretary KELLY. Thank you, sir.

Chairman JOHNSON. Thank you, Senator Daines.

I have just a couple of closing questions, Secretary Kelly. First of all, I am concerned about funding for the Coast Guard. When I was going through this, I asked staff, how much—I was hoping the Department of Defense made up a fair amount of funding, too, but they really contribute only about half a billion dollars per year. So, you take a look, since 2009 the funding for the Coast—or the budget was about $9.6 billion, then it was about $10.6 billion, a 10-percent increase. But, with the kind of threats we are facing, can you give me any kind of comfort that that is adequate?

Secretary KELLY. I cannot. I think the Coast Guard, first of all, is just an amazing organization. It really came into my view when I was in Southern Command. I had seen them sprinkled around the world in the Persian Gulf, places like that, but it really came into my view in Southern Command about how good they are. Obviously, they are one of the five military services, small, and in my opinion, in exactly the right place, DHS. But, the myriad of missions that they execute and the authorities they have just make them value-added to say the least. But, it is not big enough.

The biggest problem with the Coast Guard, I think if the Commandant was sitting right here, he would pat me on the back to say we need to recapitalize. They have some brand-new cutters coming on, national security cutters, valuable, essential. But, so much of the Coast Guard is so old that it just limps along. And, I think we have a plan—I would love to add to that plan, but I think we have a plan—and all of this is not to mention we have to get involved in the Arctic more than we are. We have a couple of broken down old icebreakers. We are looking to buy six—three heavy, three medium—to work up there in the northern reaches. We have to be up there, not to contest anyone's claims, but to simply work up there, particularly as importantly work in terms of the environmental protection of that precious international asset. But, it is not big enough, but it is doing yeoman's work——

Chairman JOHNSON. Let us work together with Senator Boozman and his Subcommittee. Let us see what we can do on that, because I share your concern.

I was just in Bratislava, and your predecessor, Secretary Chertoff, was there. He gave a speech, and he talked about the impact that the Visa Waiver Program had when they were able to expand it to some of these nations. I am highly concerned. I am also Chairman of the European Subcommittee on Foreign Relations, and I am concerned about the destabilizing nature of Russia, their pervasive disinformation propaganda campaign, and if we ignore central and southeastern Europe, there is a real concern that those nations do not join the West.

And, Secretary Chertoff made a very powerful comment about how that Visa Waiver Program was sort of the stamp that really did solidify the fact that these nations that were granted the Visa Waiver were going to remain in the West and stay Western-facing.

I personally think the Visa Waiver Program enhanced our security. There are risks associated with it, but there are safeguards put in place to qualify. It just seems like such a political heavy lift right now. Secretary Chertoff certainly offered every ounce of help he could have.

Can you just kind of comment on your viewpoint of the Visa Waiver Program and expansion? Because, let us face it, every one of those nations wants it.

Secretary KELLY. Yes, sir, Senator. I would like to expand it to everybody. We have set the bar very high, and countries that meet that standard, welcome aboard. And, I share your concern with the Eastern European countries.

This is kind of a sidebar comment. When I was working in Mons, Belgium, years ago as a colonel, after the Wall fell, the enthusiasm of all of those countries—they were falling all over themselves. How do we get into the North Atlantic Treaty Organization (NATO)? How do we become observers? That has been cooled a little bit for whatever reason. Well, you and I both know the reason.

So, I think anything we can do to expand it. The good news is there are a lot of countries out there that are trying to get up to our level of security and satisfy us, and there are some countries that are close, some countries that are not so close.

Chairman JOHNSON. We should kind of review some of those metrics. Are they realistic? Can we look at those and still maintain the kind of security we are looking for? So, I would like to work with you on that. That is kind of a long-term project.

Just finally, because I think some people may view this with skepticism, but I was just assuming, truthfully, that even with this injunction in place, the Department would be able to move forward with the vetting process and really reviewing that. And, you said that, no, that injunction really has inhibited your efforts. I think the Ranking Member may want to jump into this, but can you explain in greater detail how that injunction is hampering your efforts at moving forward in terms of how do we properly vet refugees and other people coming in from those countries?

Secretary KELLY. Yes, sir, we are just being as conservative as we can be so they do not—and, frankly, with due respect to Congress, I get an awful lot of phone calls and an awful lot of ugly phone calls about how I am not following some law. I learned very early on if there is a perception that we are not executing the law, then a lot of people get agitated and call.

That said, we have moved forward, as I mentioned a little earlier, the State Department, some enhanced questions, etc., in terms of the normal visa process. In my case, looking very hard—and some of this is, by the way, a cultural change. Whether it is my people at the U.S. Citizenship and Immigration Services (USCIS) or the consular people, we are changing the culture to reflect the reality of security. That is to say, rather than the idea being bring in as many refugees as you can to meet some number set by the last Administration or bring in as many visas as you can, we actually now are changing the culture to say, look, if you want to come to America, you convince me you are who you are, and you are coming here for a period of time, and then you will go home, and you will not do anything wrong when you are here.

In the case of refugees, same thing. I know you are a refugee, but you have to prove to me who you are and that you will come to the United States for all the right reasons. And, ultimately, if you stay, then you will assimilate into our society.

But, the kind of things, I think, the studies worldwide and the studies throughout the regions about what is the best way to do this, I think I am restricted in that. But, it does not mean we are not thinking about it.

Chairman JOHNSON. From my standpoint, I do not want you to feel constrained. I do not want you restricted. Maybe Senator McCaskill is the same way, maybe, at least lend that support from two U.S. Senators.

Senator MCCASKILL. Yes, and I have looked briefly at the decisions, Secretary, and I do not see—I know the State Department is moving forward in terms of trying to prepare a report. And so, clearly, their lawyers are not seeing what your lawyers are seeing. And, specifically, in a couple of the orders, it is clear that you are not restricted in terms of moving forward with what I think your job is, regardless of a request by the Executive to pause. Really what this appeal is about is whether or not he has the right under the Executive Order to say certain people cannot come here during a period of time that you are preparing underlying policies. I cannot imagine anybody is going to argue with you about the fact that you should be preparing policies that will keep this country safe. we have now been paused—I mean, there has been plenty of time that was envisioned in the Executive Orders for those policies to be done.

So, I would love further conversation with your lawyers that are telling you that you cannot begin to give us more clarity about what the extra vetting is going to be.

Chairman JOHNSON. So, let us look on a bipartisan basis, working with the Department, and make sure that they are not restrained so they can move forward.

Senator MCCASKILL. Yes, we would be glad to work with you on that.

Secretary KELLY. At the risk of running through too much of a list here, we are doing some things. The examples I would give you is enhanced automated screening by USCIS, enhanced interviews, enhanced biometrics integration, enhanced data collection. So, we are doing some things.

Senator MCCASKILL. That is great.

Secretary KELLY. And, I could go on if you want, but there are more things here.

Senator MCCASKILL. Yes, well, we can follow up together.

Chairman JOHNSON. Let us work together on this and make sure we——

Secretary KELLY. So, we have not stopped. We are just being, as I say, very cautious about not getting out in front of the courts that, I will genuflect to every day.

Senator MCCASKILL. If you have done it, then the whole case is moot.

Secretary KELLY. Right.

Senator MCCASKILL. And, the President could move on and tweet about something else.

Chairman JOHNSON. So, again, great Committee, bipartisanship, let us work together and——

Secretary KELLY. Best Committee.

Chairman JOHNSON [continuing]. Make sure that you can do your job.

Again, Secretary Kelly, I think from every Member of this Committee, thank you for your service. It is not a job I envy, but thank you for doing it, and to all the members of your staff and the Department.

This hearing record will remain open for 15 days until June 21 at 5 p.m. for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 12:07 p.m., the Committee was adjourned.]

APPENDIX

Chairman Johnson's Opening Statement
"The Homeland Security Department's Budget Submission for Fiscal Year 2017"
Tuesday, June 6, 2017

As submitted for the record:

I would like to thank Secretary John Kelly for testifying before the Committee today to discuss the administration's 2018 budget request for the Department of Homeland Security.

Since Secretary Kelly was confirmed, DHS has made significant progress—particularly by enhancing border security and immigration enforcement.

Illegal border crossings are down sharply compared to prior years. This confirms one of the key lessons we have learned in our 24 hearings on border security and public safety: To truly secure our border, we must identify and eliminate-or at least dramatically reduce-the incentives for illegal immigration.

Of course securing the border and enforcing immigration laws are just two of the Department's missions. DHS has significant responsibilities for protecting the nation from other threats, including the urgent threat of terrorism and cyber-attacks. President Trump's budget proposes significant new increases for border security, immigration enforcement, drug interdiction, transportation security, and cybersecurity. In total, the Department's Fiscal Year 2018 budget requests $71.6 billion, a 7.1 percent increase over current funding.

But we should not view the proposal in a vacuum. One of the greatest threats to U.S. economic and national security is our debt and our long-term fiscal challenges. Using the Congressional Budget Office's projections and realistic assumptions, we know that the federal government is on track to accumulate $129 trillion in deficits over the next 30 years.

It is more important than ever that we carefully review each agency's budget to ensure that each dollar is being spent wisely. As the lead authorizing committee for DHS, it is our job to oversee the Department's spending. I am pleased to see the DHS budget proposal includes recommendations for achieving cost-savings within the Department's budget, such as the proposed $958 million reduction by achieving efficiencies in FEMA's federal assistance and grant programs.

I look forward to working with the members of the Committee and the Department on reforms to streamline DHS operations and programs to achieve cost-savings and to focus resources on the most important missions, like securing our borders and enforcing our immigration laws, protecting against cyber-attacks and threats to our critical infrastructure systems, and countering terrorism at home and abroad.

U.S. Senate Homeland Security and Governmental Affairs Committee

"The Department of Homeland Security Fiscal Year 2018 Budget Request"

June 6, 2017

Ranking Member Claire McCaskill

Opening Statement

Thank you Mr. Chairman. Secretary Kelly, thank you for being here today and thank you for your service to our nation.

You appeared before our Committee two months ago, for the first time in your capacity as Secretary of one of the largest and most complex departments in the federal government. Since that time there have been a number of developments that show just how important your job is, not just because of the size of your department, but because of your role in protecting our nation from the threats we face every day.

On May 11, you met with airline industry executives about potentially banning large electronic devices in aircraft cabins on flights from Europe as well as the Middle East, given concerns about potential "laptop bombs" that might get past screeners.

On May 12, a "ransomware" cyberattack struck more than 200,000 computers in over 150 countries, shutting down auto production in France, affecting police departments in India, and closing doctors' offices in Britain.

And tragically, on May 22, a suicide bomber killed 22 innocent concert-goers in Manchester, England and then on June 3, terrorists killed seven in London.

These are just a few examples of why we are counting on your vigilance, and the vigilance of the men and women of your department. We rely on you to identify threats, prevent attacks, and keep America safe. These examples also speak to the importance of ensuring that we provide the Department of Homeland Security with the resources that it needs to prepare for and prevent these threats.

The importance of your work also speaks to the critical responsibility that this Committee has in providing oversight. I have never—ever—found any government agency that worked better with less oversight. Asking hard questions is the only way to do that—and as I'm sure you know, I'm not afraid to ask them. And I'm glad you're not afraid to answer them. As you said last month to this year's graduating Coast Guard cadets, "Tell the truth to your seniors even though it is uncomfortable, even though they may not want to hear it. They deserve that. Tell the truth." I sincerely hope that you continue to speak truth to power, and

look forward to your honest assessment of what we can do to help secure our nation.

I want to ask you about your proposed budget. The Administration has proposed a $44 billion budget for the Department of Homeland Security. That's a nearly 7% increase over the continuing resolution that we passed in December for FY 2017. And while I want you to have all of the tools and resources that you need to do your job well and to protect this nation, I am concerned that this budget lacks a serious consideration of how we can best allocate those resources to do so.

As I mentioned before, we live in a dangerous world and are facing an ever-evolving threat. Mass transit locations and other "soft targets" where large groups of people gather have served as prime targets for terrorist activity. In addition to aviation security, the TSA helps to secure mass transit and passenger rail, freight rail, highways and buses, pipelines, and sea ports. According to the TSA, more than 10 billion passenger trips are taken on mass transit systems each year. We need to make sure we're keeping people safe, no matter how they choose to travel.

I am very concerned that the President's budget plans to cut critical TSA programs at a time that we cannot afford to let up when it comes to security measures. A large portion of this cut is taken from the Visible Intermodal

Prevention and Response (VIPR) Teams. VIPR teams deploy all across the country to provide critical assistance with securing airports, subways and bus terminals. The President's budget aims to cut VIPR teams from thirty-one down to just eight teams to cover the entire country.

Additionally, the President's budget is going to completely eliminate the Law Enforcement Officer Reimbursement Program which provides assistance to local law enforcement agencies who help secure our airports. Hundreds of airports across the country take part in this program, and particularly for the smaller airports, this assistance is critically important to help them meet their security requirements.

The President's budget will also slash other DHS programs that provide critical security to our transportation systems. The Transit Security Grant Program will be cut in half. The Port Security Grant Program will be cut in half. The President is calling for a complete elimination of the Complex Coordinated Terrorist Attacks Grant Program. Secretary Kelly, I'm seriously concerned that these budget cuts will weaken our ability to detect, prevent, and respond to future attacks.

Additionally, I am concerned about some of the things that are not in the budget. We are being asked to fund additional Border Patrol agents and Air and

Marine officers, but there is no provision in this budget for additional CBP officers at the ports of entry. The majority of drugs and other contraband come into this country through ports of entry, and CBP officers are the ones responsible for finding and stopping them. If we are so interested in securing our border, why are we completely neglecting our ports of entry?

And I'm concerned that even though the Administration is asking to spend *more* money on DHS, it's cutting the budget of its watchdog that investigates waste, fraud and abuse. In fact, the IG concluded that this budget will *substantially inhibit* him from performing the duties of his office. I don't know why the President is cutting OIG when his own budget director, Mick Mulvaney, said at his confirmation hearing QUOTE "Congress needs to have those inspectors general doing their job…I do look forward to making that a priority at OMB."

So, Secretary Kelly, I'm glad you're here today. There are a lot of important issues before us, and I have a lot of questions for you. And I hope we can count on the Department being willing to answer them now and in the future.

TESTIMONY

OF

THE HONORABLE JOHN F. KELLY

SECRETARY

U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

"THE DEPARTMENT OF HOMELAND SECURITY FISCAL YEAR 2017 BUDGET REQUEST"

BEFORE THE

UNITED STATES SENATE

HOMELAND SECURITY AND GOVERNMENTAL AFFIARS COMMITTEE

Tuesday, June 6, 2017

Washington, DC

Chairman Johnson, Ranking Member McCaskill, and distinguished Members of the Committee:

It is a great honor and privilege to appear before you today to discuss the Department of Homeland Security's (DHS) crucial missions of protecting the homeland and securing our borders.

The men and women of DHS are exceptional and dedicated professionals who work tirelessly in support of our mission to safeguard the American people, our homeland, and our values with honor and integrity. I am pleased to appear before you to present the President's Fiscal Year (FY) 2018 Budget request for the Department of Homeland Security.

The President's Budget puts America first, and builds on DHS's accomplishments over the past 14 years. It makes critical investments in people, technology, and infrastructure for border security and the enforcement of our immigration laws. It advances cybersecurity programs, strengthens our biometric identification programs, promotes the expansion of E-Verify, and supports our new Victims of Immigration Crime Engagement (VOICE) Office. The Budget also sustains the U.S. Coast Guard (USCG), our nation's fifth service, to continue its important mission of ensuring maritime safety, security, and stewardship.

DHS is committed to the rule of law. Our men and women take an oath to defend the Constitution of the United States and uphold the laws of this great country against all enemies—foreign and domestic—and we get it done. We face diverse challenges and adversaries that do not respect the rule of law, or our borders. Our government must remain vigilant in detecting and preventing terrorist threats, including threats we face from "lone offenders," who may be living in our communities and who are inspired by radical, violent ideology to do harm to Americans. I remain committed to tirelessly protect our country from threats, secure our borders, and enforce our laws—all while facilitating lawful trade and travel, and balancing the security of our nation with the protection of privacy, civil rights, and civil liberties.

The President's FY 2018 Budget requests $44.1 billion in net discretionary funding for the Department of Homeland Security. The President's Budget also requests $7.4 billion to finance the cost of emergencies and major disasters in the Federal Emergency Management Agency's (FEMA's) Disaster Relief Fund.

In order to ensure we are stretching every one of these dollars, we are striving to further improve information sharing, collaboration, and transparency, all of which are essential to leveraging the full value of every dollar DHS receives. We are expanding our cooperation with State, local, tribal, territorial, and regional partner nations, particularly Canada and Mexico. These partnerships are critical to identifying, monitoring, and countering threats to U.S. national security and regional stability.

I am also working to improve transparency and information sharing across the DHS enterprise to build efficiencies into our intelligence processes. An example of this is my ongoing support of DHS's Joint Task Forces, which link the authorities and capabilities of multiple DHS components in a unified approach that addresses emerging and priority threats to our nation. The magnitude, scope, and complexity of the challenges we face— including illegal immigration,

transnational crime, human smuggling and trafficking, and terrorism—demand an integrated counter-network approach.

Border security is a high priority, and involves protecting 7,000 miles of land border, approximately 95,000 miles of shoreline, and 328 ports of entry along with staffing numerous locations abroad. We appreciate the support Congress has provided to improve security at our borders and ports of entry. With that support, we have made great progress, but more work must be done.

The President's Budget requests $1.6 billion for 32 miles of new border wall construction, 28 miles of levee wall along the Rio Grande, where apprehensions are the highest along the Southwest Border, and 14 miles of new border wall system that will replace existing secondary fence in the San Diego Sector, where a border wall system will deny access to drug trafficking organizations. The Budget also requests $976 million for high-priority tactical infrastructure and border security technology improvements for U.S. Customs and Border Protection (CBP). Under the President's Executive Order No. 13767, *Border Security and Immigration Enforcement Improvements*, CBP is conducting risk assessments to the needs of frontline officers and agents that will be used to tailor an acquisition strategy going forward.

While technology, equipment, and physical barriers certainly help secure our borders, we also must have more boots on the ground. I remain committed to hiring and training new Border Patrol agents and commensurate support personnel as supported by the President's Budget and Executive Order No. 13767. Let me be clear, we will maintain our standards, yet we will streamline hiring processes. This includes initiatives like waiving polygraph testing requirements for qualified Federal, State, and local law enforcement officers, as well as members of the Armed Forces, veterans, and members of the Reserves or the National Guard, as contemplated by legislation now pending before the Congress. On a broader scale, my Deputy Secretary, Elaine Duke, and I are working hard across DHS to attract, retain, and enhance career opportunities for our workforce.

Effective border security must be augmented by vigorous interior enforcement and the administration of our immigration laws in a manner that serves the national interest. As with any sovereign nation, we have a fundamental right and obligation to enforce our immigration laws in the interior of the United States—particularly against criminal aliens. We must have additional U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) officers to expand our enforcement efforts. The FY 2018 Budget requests over $7.5 billion in discretionary funding for ICE to support both the expansion of transnational criminal investigatory capacity within Homeland Security Investigations (HSI) as well as ERO's expanded targeted enforcement activities, including increases for more than 51,000 detention beds to accommodate expected increases in interior arrests of criminal and fugitive aliens, associated transportation and removal costs, and an estimated 79,000 participants in ICE's Alternatives to Detention Program contract. Included in the request is $185.9 million to hire more than 1,600 additional ICE ERO officers, HSI agents, and support personnel.

Detaining illegal aliens, and deporting them to their countries of origin, does not address the needs of members of our public who have been the targets of their crimes. For this reason, the Budget also requests an additional $1 million to enhance the current operations of DHS's new VOICE Office, which supports victims of crimes committed by criminal aliens. As I have noted before, all crime is terrible, but these victims are unique because they are casualties of crimes that should never have taken place. The people who victimized them should not have been in this country in the first place.

To protect the American people, we must continue to improve our identification verification and vetting processes.

E-Verify is currently a voluntary program administered by U.S. Citizenship and Immigration Services that deserves more of our attention. Through E-Verify, our nation's employers verify the employment eligibility of their employees after they are hired, which in turn helps protect American workers from unfair competition. The President's Budget requests $131.5 million for E-Verify operations, which includes an additional $15.2 million for expansion of the program to support the mandatory use of E-Verify nationwide within three years—should Congress provide the authority to do so. We appreciate the continued support of Congress for this program.

Biometrics is another critical DHS identification and verification initiative, and I am committed to the pursuit of robust capabilities in this area. The Budget requests $354 million to support biometric initiatives. We continue to make progress on the Biometric Entry-Exit System, with the goal of making air travel more secure, convenient, and easier.

The threat to aviation security remains high, and criminals and terrorists continue to target airlines and airports. We must continue to improve how we screen the belongings of travelers and cargo. We are in the business of protecting lives, and improved screening technologies coupled with additional Transportation Security Administration (TSA) Officers working security functions at the checkpoints, will help us deter, detect, disrupt, and prevent threats to aviation security. DHS continues to prioritize explosives screening, threat assessments, and detection capabilities, and the President's Budget includes $77.0 million for research and development in this area. The Budget also includes $277.2 million for checked baggage screening and explosives detection equipment.

Currently, TSA Officers screen more than two million passengers and their belongings each day, and this number is growing. Additional TSA Officers must be deployed to airport checkpoints to meet the increasing volume of travelers. The President's Budget offers a sound, two-part approach to meeting this challenge. First, the Budget proposes a much-needed increase in TSA passenger fees—only one dollar, changing the fee from $5.60 to $6.60, for each one-way trip. While Congress previously denied this increase, Congress must act now in order for TSA to continue to meet its mission to protect our nation from ever evolving security threats.

Second, the Budget proposes that TSA cease staffing airport exit lanes, which will enable placement of an additional 629 TSA Officers at the checkpoints. This solution reflects risk-based analysis; TSA Officers are specially trained to ensure no metallic or non-metallic threat items make it onboard planes. Their security screening skills and expertise are not being put to good use while staffing airport exit lanes, and this is a waste of taxpayer dollars.

The President also requests $8.4 billion in operating expenses and recapitalization costs for USCG to promote maritime safety and security. Increases to Coast Guard's operating budget will ensure the agency keeps parity with the pay and benefits increases provided to the other armed services. Additionally, the Budget funds the crewing and maintenance requirements for all new ships and aircraft scheduled for delivery in 2018. Within the $1.2 billion request for Coast Guard's acquisition programs, $500 million is provided to contract for the Coast Guard's first Offshore Patrol Cutter and long lead time material for the second OPC.

In addition to our physical security and protection activities, we must continue efforts to address the growing cyber threat, illustrated by the real, pervasive, and ongoing series of attacks on public and private infrastructure and networks. The FY 2018 Budget includes approximately $971.3 million for the National Protection and Programs Directorate's cybersecurity activities, including $397 million for continued deployment and enhancements for EINSTEIN, which enables DHS to detect and prevent malicious traffic from harming Federal civilian government networks. It also provides $279 million for our Continuous Diagnostics and Mitigation Program to provide hardware, software, and services to strengthen the security of Federal civilian ".gov" networks.

DHS also must be vigilant in preparing for and responding to disasters, including floods, wildfires, tornadoes, hurricanes, and other disasters. The FY 2018 President's Budget reflects FEMA's efficient use of taxpayer dollars to improve the nation's resilience from disasters. FEMA will prioritize programs that contribute most significantly to its emergency management mission, streamline business processes, harness innovative technologies, and better utilize public and private sector partnerships. The President's Budget requests $7.4 billion to support disaster resilience, response, and recovery, primarily through the Disaster Relief Fund.

The Budget provides $1.9 billion for FEMA's grant programs that support State, local, territorial, and tribal governments to improve their security and resilience posture against risks associated with man-made and natural disasters. It represents a continued investment in State and local preparedness while spending taxpayer dollars on programs that make the most difference. The Budget also proposes a 25 percent non-Federal cost-share for those preparedness grants that do not currently have a cost-share requirement. By using a cost-sharing approach, Federal dollars are spent on activities that our non-Federal partners themselves would invest in, providing clear results in priority areas.

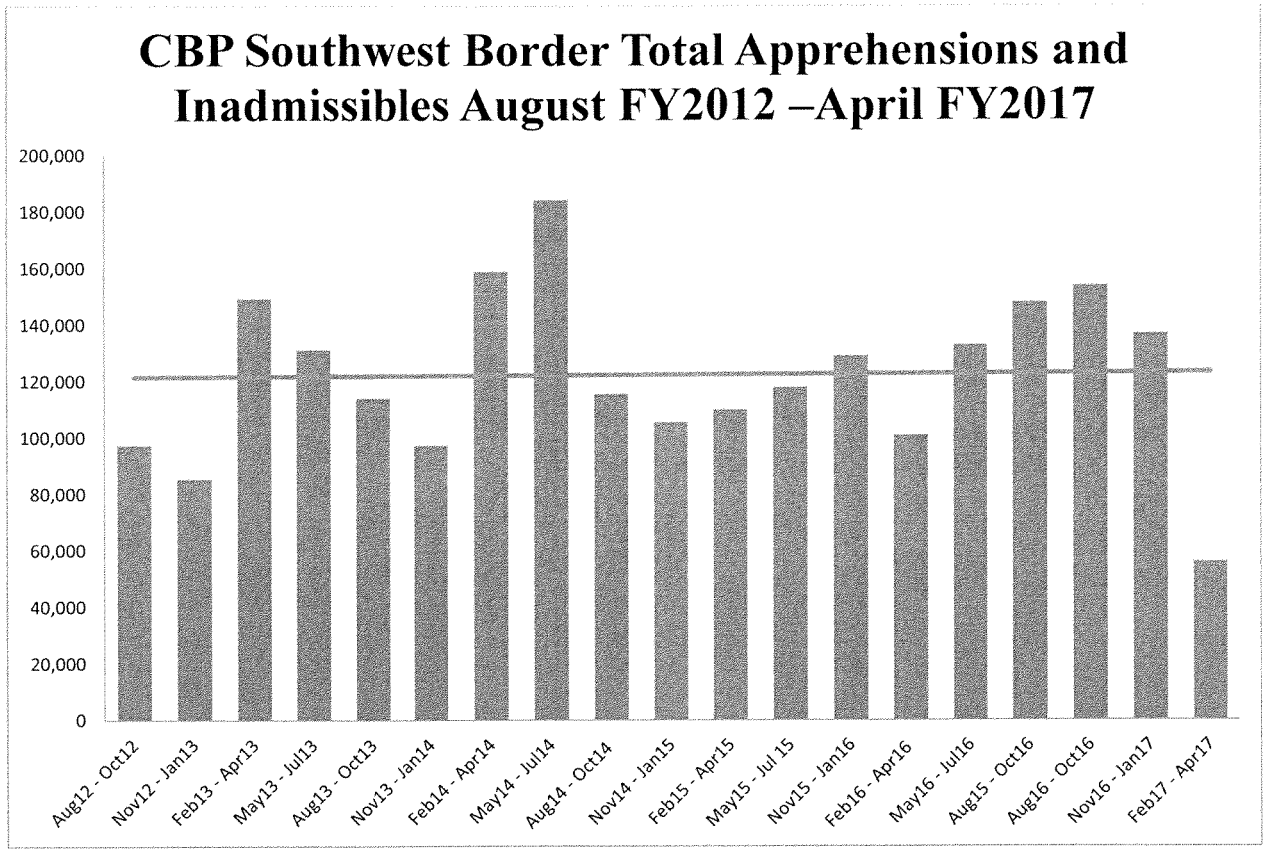
In addition to protecting our nation's financial infrastructure, under the leadership of our new Director Tex Alles, the men and women of the U.S. Secret Service (USSS) protect our nation's

highest elected leaders, visiting foreign dignitaries, facilities, and major events. Using advanced countermeasures, USSS conducts operations to deter, minimize, and decisively respond to identified threats and vulnerabilities. The President's Budget includes $1.9 billion to support USSS's missions, including investment in of advanced technologies and task force partnerships to enforce counterfeiting laws, and safeguard the payment and financial systems of the United States from financial and computer-based crimes. The funding also supports 7,150 positions – the highest staffing levels since 2011, and includes Presidential protection in New York and much-needed enhancement of technology used to protect the White House.

In closing, the challenges facing DHS and our nation are considerable. We have outstanding men and women working at DHS who are committed to protecting our homeland and the American people. The President's FY 2018 Budget request recognizes our current fiscal realities, as well as the serious and evolving threats and dangers our nation faces each day. You have my commitment to work tirelessly to ensure that the men and women of DHS are empowered to do their jobs.

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 look forward to forging a strong and productive relationship to prevent and combat threats to our nation.

I am pleased to answer any questions.


CBP Southwest Border Total Apprehensions and Inadmissibles August FY2012 –April FY2017
200,000
180,000
160,000
140,000
120,000
100,000
80,000
60,000
40,000
20,000
0
Aug12 - Oct12
Nov12 - Jan13
Feb13 - Apr13
May13 - Jul13
Aug13 - Oct13
Nov13 - Jan14
Feb14 - Apr14
May14 - Jul14
Aug14 - Oct14
Nov14 - Jan15
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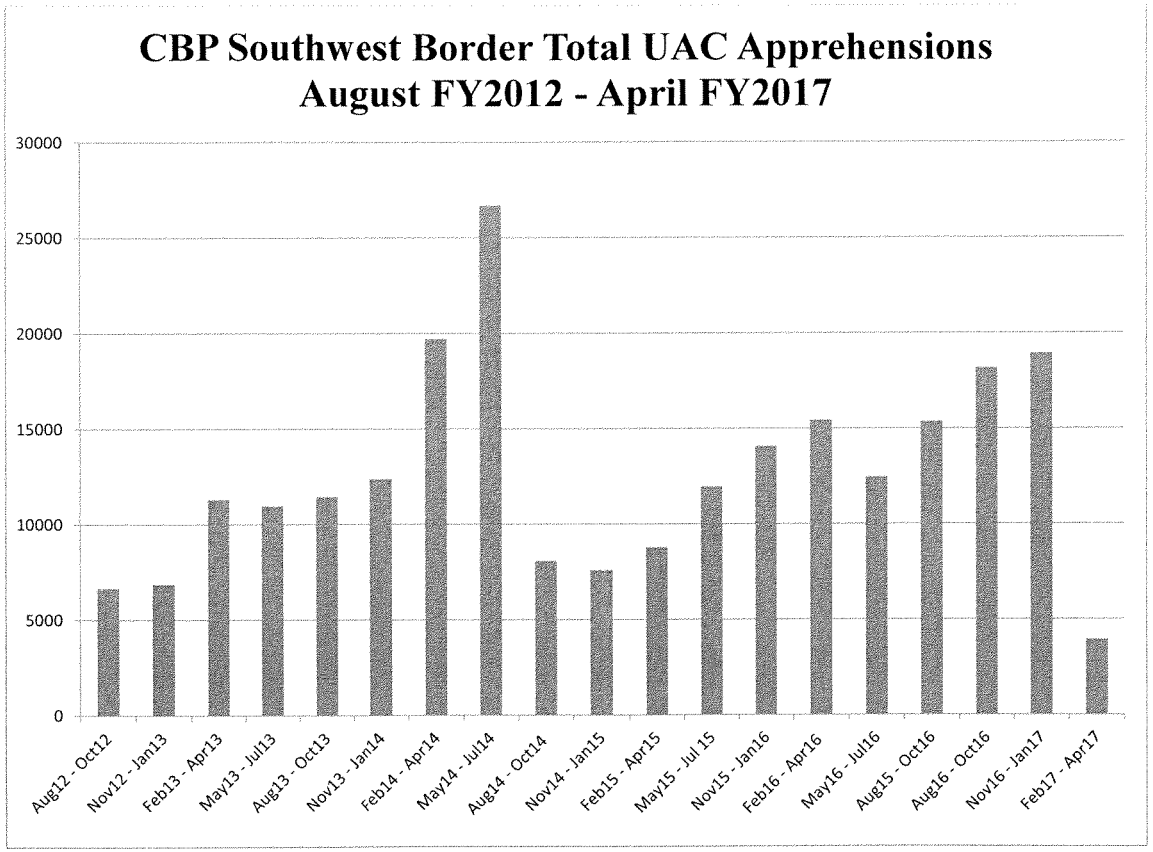
Nov16 - Jan17
Feb17 - Apr17


CBP Southwest Border Total UAC Apprehensions
August FY2012 - April FY2017
30000
25000
20000
15000
10000
5000
0
Aug12 - Oct12
Nov12 - Jan13
Feb13 - Apr13
May13 - Jul13
Aug13 - Oct13
Nov13 - Jan14
Feb14 - Apr14
May14 - Jul14
Aug14 - Oct14
Nov14 - Jan15
Feb15 - Apr15
May15 - Jul15
Nov15 - Jan16
Feb16 - Apr16
May16 - Jul16
Aug15 - Oct16
Aug16 - Oct16
Nov16 - Jan17
Feb17 - Apr17

STATEMENT OF ANTHONY M. REARDON
NATIONAL PRESIDENT
NATIONAL TREASURY EMPLOYEES UNION
ON THE DEPARTMENT OF HOMELAND SECURITY
FISCAL YEAR 2018 BUDGET REQUEST
BEFORE THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

June 6, 2017

Chairman Johnson, Ranking Member McCaskill, distinguished members of the Committee, thank you for the opportunity to submit this statement on behalf of the 25,000 Customs and Border Protection (CBP) Officers, Agriculture Specialists and trade enforcement personnel stationed at 328 land, sea and air ports of entry (POE) across the United States (U.S.) and 16 Preclearance stations currently in Ireland, the Caribbean, Canada and United Arab Emirates airports represented by the National Treasury Employees Union (NTEU).

I am submitting NTEU's comments on the Administration's Fiscal Year (FY) 2018 budget submission for the Department of Homeland Security (DHS) as a follow-up to my testimony before the Committee on March 22, 2017 at the hearing entitled *"Frontline Perspective: The Need for More Resources at CBP and ICE."*

As of April 29, 2017, CBP's Office of Field Operations (OFO) has 22,794 CBP Officers onboard at the ports of entry—1,420 short of its FY 2017 target of 24,214. The FY 2018 budget request supports the filling of the current vacancies to meet the FY 2017 target of 24,214, but significantly changes how these new positions would be funded. However, the Administration's FY 2018 budget provides no new funding to address the current CBP Officer staffing shortage of at least 2,107 additional CBP Officers as stipulated by CBP's own FY 2017 Workload Staff Model (WSM) and to fund an additional 631 CBP Agriculture Specialists as stipulated by CBP's own FY 2107 Agriculture Resource Allocation Model (AgRAM).

For these reasons, NTEU is requesting $350 million in additional CBP OFO Operations and Support in the DHS FY 2018 appropriations bill. NTEU requests $300 million to ensure funding for CBP OFO to meet its FY 2017 CBP Officer frontline staffing target of 24,214 and to begin funding the hiring of 2,107 additional CBP Officers needed to achieve the staffing target of 26,300 CBP Officers as stipulated in CBP's own WSM. CBP's AgRAM shows a need to fund an additional 631 CBP Agriculture Specialists over the 2,418 currently authorized. NTEU is requesting $50 million to begin funding the hiring of these additional 631 CBP Agriculture Specialists over the 2,418 currently onboard.

Realignment of User Fees: The Administration's budget proposes significant realignment of user fees collected by CBP. Currently, 33 percent of CBP Officer salaries and benefits are funded with a combination of user fees, reimbursable service agreements, and trust funds. The FY 2018 budget proposes to reduce OFO appropriated funding by realigning and redirecting user fees, including redirecting the Electronic System for Travel Authorization (ESTA) fee that will require a statutory change. The FY 2018 budget proposal would redirect approximately $157 million in ESTA fees from Brand USA to CBP. Rather than redirecting the ESTA fees to fund the additional 2,107 CBP Officer new hires needed to fully staff CBP Officer positions in FY 2018 and beyond, as stipulated by CBP's WSM, the budget would in fact reduce CBP's appropriated funding by $157 million. Therefore, while the budget proposes to increase the number of CBP Officer positions funded by ESTA user fees by 1,099, it decreases appropriated funding by $157 million, and reduces the number of CBP Officer positions funded by appropriations by 1,099 positions.

The Travel Promotion Act of 2009 (P.L. 111–145) created the Corporation for Travel Promotion (also known as Brand USA). Under the Trade Promotion Act, successful applicants for electronic travel authorization are charged an additional $10 fee to fund Brand USA. Notably, Congress will need to enact legislation to eliminate Brand USA and redirect all ESTA fees to CBP.

If the legislation to eliminate Brand USA is not enacted, but the appropriations level for CBP Officers in the Administration's FY 2018 budget is approved, CBP will be short $157 million and will need to reduce the CBP Officer work force by 1,099 positions. In other words, there will only be funding in the FY 2018 appropriation to fund 23,115 CBP Officers—1,099 positions short of the current staffing target. This is why NTEU is requesting $157 million of the total $300 million increase for CBP Officer funding to ensure that the number of CBP Officers remains at 24,412.

If the legislation to eliminate Brand USA is enacted, NTEU urges Congress to add the ESTA-fee funded positions to the current CBP Officer target of 24,214 positions. By adding these 1,100 ESTA-fee funded positions, CBP OFO would then have funding for 25,314 CBP Officers. The remaining $143 million appropriation requested by NTEU would allow OFO to finally fund the CBP Officer staffing level stipulated in the FY 17 WSM.

CBP Technicians: In the Administration's FY 2018 budget submission, CBP proposes a decrease of $9.9 million in OFO pay requirements to backfill CBP Officer positions with 198 CBP Technicians. NTEU supports the hiring of additional CBP Technicians as long as CBP does not seek to replace the number of current onboard CBP Officer with CBP Technicians. CBP Technicians cannot simply "backfill" for CBP Officer, because they are not qualified as CBP Officers. With an ongoing shortage of CBP Officers, hiring new CBP Officers should be CBP's priority. NTEU supports hiring additional CBP Technicians to give administrative support to CBP Officers, but strongly objects to CBP replacing frontline CBP Officer positions made vacant through attrition with CBP Technicians.

OFO Canine Enforcement Program (CEP): The budget proposes a decrease of $3.2 million to the OFO CEP. Of the 496 specialized canine teams currently deployed, 188 canine

teams would be retired from locations other than the Southwest border ports of entry. CBP Canine handlers for the 188 retired canine teams would be redirected to non-canine front line duties. The CBP Canine Program is critical to CBP's mission. The working CBP canine teams are one of the best tools available to detect and apprehend persons attempting to enter the U.S. to carry out acts of terrorism. These canine teams are instrumental in detection and seizure of controlled substances and other contraband, which are often used to finance terrorist and/or criminal drug trafficking organizations. NTEU does not support retiring nearly one third of the currently onboard OFO specialized canine teams.

Agriculture Specialist Staffing: NTEU is requesting $50 million to begin hiring the 631 additional CBP Agriculture Specialists to meet the staffing target stipulated in CBP's FY 2017 AgRAM. Also, NTEU worked successfully with Congress to obtain report language in the House version of the FY 2016 funding bill that states: "With CBP's recent release of its risk-based Agriculture Resource Allocation Model (AgRAM), the Committee is concerned about how CBP plans to fulfill its agriculture quarantine inspection (AQI) mission with current staffing levels. CBP is directed to report back to the Committee within 90 days of enactment a plan to address these staffing needs to meet its AQI mission to protect U.S. food, agriculture, and natural resources." Despite this Committee's report request, it is our understanding that CBP has not yet delivered a plan to fund and hire 631 Agriculture Specialists as stipulated in their FY 2017 AgRAM.

CBP Trade Operations Staffing: CBP has a dual mission of safeguarding our nation's borders and ports as well as regulating and facilitating international trade. CBP's ports of entry are the second largest source of revenue collection for the U.S. government. In 2016, CBP processed more than $2.2 trillion in imports and collected more than $44 billion in duties, taxes, and other fees. Since CBP was established in March 2003, however, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel even though inbound trade volume grew by more than 24 percent between FY 2010 and FY 2014. Additionally, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002. NTEU strongly supports the funding of 140 additional positions at the CBP Office of Trade to support implementation of Trade Enhancement and Facilitation Act (P.L. 114-125) requirements.

As I stated at the Committee's March 22, 2017 hearing on the need for more resources at CBP, delays at the U.S. ports of entry result in real losses to the U.S. economy. Understaffed ports lead to long delays in travel and cargo lanes, hurting businesses and consumers, and also create a significant hardship for frontline employees. For every 33 additional CBP Officers hired, the U.S. can potentially gain over 1,000 private sector jobs. If Congress fully staffed the ports with the needed 3,500 additional CBP Officers in FY 2018, 106,000 private sector jobs could be created. For every 1,000 CBP Officers added, the U.S. can increase its gross domestic product by $2 billion.

Thank you for the opportunity to submit this statement to the Committee on behalf of the men and women represented by NTEU at the nation's ports of entry.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Claire McCaskill

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	1
Topic:	CBP's Congressional Justification
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: In testimony on April 5, 2017 you assured me that you would "absolutely" provide the Committee with a copy of the requests made by Border Patrol sector chiefs regarding where additional infrastructure and technology should be deployed along the Southwest border as soon as you received the requests. A month later, in a May 5 letter, I again requested "full copies of the prioritized operational requirements for border barrier that the Border Patrol has identified." According to U.S. Customs and Border Protection's (CBP's) Fiscal Year (FY) 2018 Congressional Justification, the very same document I requested and you assured me you would provide the Committee - the Southwest Border Capability Roadmap - was completed by U.S. Border Patrol in April 2017. According to CBP, the roadmap "identifies updated operational requirements needed to achieve operational control of the southern border" and was used to inform DHS's decision to spend $2.6 billion on 74 miles of border barrier along the Southwest border in addition to high-priority tactical infrastructure and border security technology improvements in FY 2018.

Is CBP's Congressional Justification accurate?

Response: The Border Patrol Sector input and Capability Roadmap are components of CBP's larger requirements planning process. The roadmap is a planning and decision support tool rather than a final product or output of a completed process.

This process provides sector and HQ personnel with a living "lay-down" to support resource planning, including the prioritization of Border Patrol's 12 master capabilities. The tool also includes a characterization of terrain in order to understand where certain capabilities may be most impactful. These capabilities are then combined with analysis of operational needs as input to detailed future and deliberate planning, which will generate more precise information such as asset numbers, specific asset types, and specific asset locations. This prioritization of these detailed operational requirements is

Question#:	1
Topic:	CBP's Congressional Justification
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

currently ongoing and, when completed, will be used to inform the President's 2019 Budget.

CBP's Fiscal Year 2018 budget request includes more than $2.6 billion in border security investments, of which $1.6 billion supports construction of 74 miles of border wall system. The wall requirements were formulated in parallel with the ongoing planning process, and were informed by the operational priorities of the Border Patrol. These initial investments are in sectors with known operational needs in the Rio Grande Valley where apprehensions are the highest along the Southwest Border and in San Diego where the legacy barrier is outdated and frequently breached.

Question: Was the Southwest Border Capability Roadmap completed in April 2017? If so, when will you provide the Committee with a copy of the Southwest Border Capability Roadmap?

Response: On July 10, 2017, CBP had the opportunity to brief your staff on the requirements identification and prioritization tool. The Southwest Border Capability Roadmap refers to a deliberate planning process that serves as an input to the tool. The planning process this effort refers to is complete and has been used to align capability gaps to preliminary operational requirements that will inform the President's 2019 Budget.

Question#:	2
Topic:	Unacquired Land
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: As it relates to land at issue in the placement of new border wall identified in the FY 2018 budget, how many parcels of unacquired land have been identified?

Response: At this stage, DHS cannot state with certainty how many parcels of un-acquired land have been identified for the border wall in the Fiscal Year 2018 budget request. DHS is using a portion of the $20 million in reprogramming Fiscal Year 2017 funds to start landownership research and will not have a definitive answer until that process is complete.

Question: Have the affected property owners been contacted and, if so, how?

Response: Because DHS has not identified the parcels of land for the border wall identified in the Fiscal Year 2018 budget request, DHS has not yet contacted any property owners.

Question#:	3
Topic:	Northern Border
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: In March, an internal CBP memo regarding the hire of an additional 5,000 Border Patrol Agents referenced plans for staff distribution that were either "Threat & Need Based" or for the "Southwest Border Only." While I understand that most new Border Patrol Agents begin their careers at the southern border for training purposes, I am concerned that this memo contemplates a scenario where no additional new or existing agents are deployed to the northern border.

Has CBP selected either the "Threat & Need Based" or "Southwest Border Only" staffing option? Given an additional 5,000 Border Patrol Agents as called for in Executive Order 13767, how many additional Agents will Border Patrol assign to the northern border?

Response: USBP has developed a strategy that combines the options originally considered. As the question accurately portrays, seasoning of new agents must be done on the Southwest border. However, USBP recognizes the need to adjust staffing numbers on the Northern and Coastal borders as well. Therefore, USBP will assign all new agents to the Southwest border, while increasing staffing on the other borders as Transnational Criminal Organization activities and threats require. It is vital to note that any number we present is fluid. Every investment in persistent impedance and surveillance, and every agent we deploy, will shift TCO activity. USBP's current estimate is approximately 1,500 positions will be reallocated to the Northern and Coastal borders over time. However, that number is fluid and requires validation through our C-Gap process. We appreciate the support of the Congress in appropriating $25 million for USBP's Operational Mobility Program. In addition the President's Fiscal Year 2018 includes $11 million to continue this vital program.

Question#:	4
Topic:	Executive Order Reports
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On March 2, 2017, I requested all reports generated by Executive Orders 13767, "Border Security and Immigration Enforcement Improvements," 13768, "Enhancing Public Safety in the Interior of the United States," and 13769, "Protecting the Nation from Foreign Terrorist Entry into the United States" as soon as they are finalized. These reports include but are not limited to 90-day progress reports to the President regarding implementation of Executive Orders 13767 and 13768, both of which were due no later than April 25, 2017. To date, no reports required by the executive orders have been provided to the Committee. You stated in a letter dated June 9, 2017 that no reports have been generated under Executive Order 13769. You explained in your testimony that the ongoing litigation over Executive Order 13769 prevented the Department from completing these reports. With regard to Executive Orders 13767 and 13768, you stated that "DHS will work with the Committee to exchange information in a timely and appropriate manner."

Has DHS generated any reports, including but not limited to the 90-day progress reports that were required by Executive Orders 13767 and 13768? If so, for each report that has been generated in adherence with Executive Orders 13767 and 13768, please provide the date on which the reports were transmitted to the President.

Will you commit to providing the Committee with copies of all reports that have already been generated under Executive Orders 13767 and 13768, and will you commit to providing the Committee with copies of all future reports required by Executive Orders 13767 and 13768 when they are transmitted to the President?

Response: Yes, DHS has generated the 90-day progress reports for Executive Orders 13767 and 13768. DHS cannot commit to releasing these deliberative reports to the President at this time, but we will continue sharing with the Committee our progress and plans for enhancing the security of our borders and the protection of the United States.

Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On April 12, 2017, The Washington Post published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP's, Immigration and Customs Enforcement's (ICE's), and U.S. Citizenship and Immigration Services' (USCIS's) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding CBP's progress in implementing Executive Order 13767, I ask for:

A description of the initiatives CBP is implementing in order to expedite the hiring of additional personnel;

Response: CBP continues to strengthen all aspects of its recruitment and hiring strategy to ensure the entire frontline—both along the border and at every port of entry—is staffed in accordance with the expanding complexity and demands of its mission. As such CBP is implementing modifications to the administration of the polygraph exam, entrance exam, and physical fitness test, all while carefully weighing any associated risks and mitigation measures. To be clear, CBP is not lowering its standards. Specific modifications are discussed below.

Polygraph Examination:

- Test for Espionage, Sabotage, and Corruption (TES-C):
- In an effort to refine and expedite this phase of the hiring process, CBP sought the assistance of the National Center for Credibility Assessment (NCCA) to identify a more streamlined testing format which also maintained CBP's high integrity standards. The NCCA and CBP collaborated in the development of the Test for Espionage, Sabotage and Corruption (TES-C) polygraph format which specifically tailored a counterintelligence polygraph format (TES) to suit CBP's needs.
- In May of 2017, CBP commenced a six-month pilot of the TES-C format. TES-C retains all of the critical test topics contained in the Law Enforcement Pre-Employment Test while providing a more streamlined testing format which maintains CBP's high standards of integrity and is expected reduce the length of examinations.

Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Entrance Examination:

- Modification of U.S. Border Patrol (USBP) Entrance Exam: CBP is modifying the USBP entrance exam to reduce testing time and to make the test more accessible to applicants. Spanish language proficiency remains a core requirement of Border Patrol Agents, but CBP is refocusing the training and assessment of this requirement on the Academy. Since a low percentage (approximately 4 percent) of applicants fail the entrance exam solely because of the Spanish Language Proficiency Test or Artificial Language Test, little risk is associated with this decision. This modification will enable CBP to attract a larger pool of applicants and aligns with the language training enhancements to Academy curriculum that commenced in 2014. This updated curriculum increases the number of hours spent in Spanish training from 320 hours to 427 hours (a 33 percent increase). The new Academy curriculum extends the total Academy training from 66 to 117 days.

- Remote Testing: CBP is exploring its ability to administer remote testing for applicants to increase the exam completion rate. As of March 2017, CBP allows the Candidate Experience Record portion of the exam to be completed remotely and is continuing the development of a remote version of the Logical Reasoning Test. The remote test will use computer adaptive testing technology that makes the exam more accessible to applicants without compromising the exam's standards or integrity.

Physical Fitness Tests (PFT):

Removal of PFT-2 (OFO)/Conversion of PFT-2 to Non-adjudicative Phase (USBP): PFT-2 was first implemented in 2012, when the time-to-hire was much longer. The second test was added to ensure that applicants maintained their fitness throughout a lengthy hiring process, an initiative that reduced the attrition rate at the Academies. Given the implementation of our expedited hiring process, which has significantly reduced the amount of time between PFT-1 and PFT-2, the need for a second physical fitness test is less critical. By removing/not adjudicating PFT-2, CBP is ensuring that the few applicants who do fail—but already passed every other step of the pre-employment process—have the opportunity to attend the Academy and receive additional training to meet CBP's fitness standards.

Question: A description of CBP's plans for hiring additional CBP officers at our nation's ports of entry, given the statement in the draft progress report that "improving border security to prevent illegal immigration, drug and human trafficking, and acts of terror, also necessitates the hiring of additional CBP Officers"; and

Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Response: CBP utilizes the Workload Staffing Model (WSM) to ensure CBP Officer staffing resources are aligned within the existing threat environments, while maximizing cost efficiencies. The WSM is a data-driven model that incorporates the most recent year's workload data to determine staffing requirements and consider factors for future facility enhancements and projected volume growth in cross-border commercial and passenger traffic. Updated WSM results continue to show a need for additional OFO capability to fully meet the standards set by statute, regulation, and CBP policies, assuming maintenance of current processes, procedures, technology, and facilities.

At the same time, CBP is continuing work to address 1,345 CBPO positions that are vacant as of June 10, 2017. CBP has worked aggressively over the past several years to implement a multifaceted recruitment strategy that improves frontline hiring processes and enhances its ability to meet hiring goals. CBP continues to strengthen all aspects of hiring, which includes initiatives designed to attract more qualified applicants, expedite the pre-employment timeline, refine the hiring process to address all potential bottlenecks, and reduce the attrition rate of the existing workforce. Staffing the frontline with well-qualified individuals of the highest integrity and capability remains a top priority for CBP.

Question: The CBP-wide agency plan to expand the 287(g) program and enhance border security efforts with state and local law enforcement agencies.

Response: Greater security at the Nation's borders is the focus of the 287(g) program expansion by identifying operational gaps and vulnerabilities, planning against them, conducting targeted immigration enforcement against threat sources, and measuring results. Implementation of the 287(g) program expansion requires complex planning processes, outside agency assessments, organizational education, training, outreach, and new performance measure development. Accordingly, USBP consulted with ICE to develop and define CBP-wide support efforts to expand the ICE 287(g) program and enhance border security efforts with state and local law enforcement agencies.

CBP is not currently developing a separate 287(g) program. Rather, CBP is collaborating with ICE to support the 287(g) program expansion by providing referrals of viable LEAs, rendering operational and administrative insight on border area LEAs during Program Advisory Board (PAB) sessions and by supporting 287(g) related law enforcement activities in the field. To support the training needed for existing and new partners, CBP is reviewing the ICE 287(g) training curriculum to develop informed recommendations for notional task force and patrol model 287(g) training programs.

Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP's, Immigration and Customs Enforcement's (ICE's), and U.S. Citizenship and Immigration Services' (USCIS's) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding ICE's progress in implementing Executive Order 13767, I ask for:

The field guidance ICE issued to each of its operational programs on February 21, 2017;

Response: Enclosed, please find the February 21, 2017 memo sent to all U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) employees, entitled "Implementing the President's Border Security and Interior Immigration Enforcement Policies."

Question: A list of each detention facility where capacity has been added since January 25, 2017, the number of detention beds that have been added at each facility, and the name of each entity that operates each detention facility;

Response: ICE has not added detention capacity since January 25, 2017.

Question: A list of the 27 potential locations capable of providing 21,000 additional bed spaces that ICE has identified.

Response: Below is the list of 30 potential locations that, as of July 13, 2017, ICE believes are capable of providing approximately 26,000 additional beds. These facilities are under consideration as part of ICE's expansion efforts. Some of the facilities listed below would require construction in order to expand space to allow for additional beds. While no physical construction to add beds is underway, some facilities may have the ability to provide access to additional beds.

Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Facility Name	**Potential Additional Bed Space**
Citrus County Detention Facility, Lecanto, FL	200
Denver Contract Detention Facility, Aurora, CO	432
Jones County Detention Facility, TX	1,000
Otero County Prison Facility, Chaparral, NM (ICE uses occasionally now)	250
Crystal City Correctional Center, Crystal City, TX	500
Diamondback Correctional Facility, Watonga, OK	2,160
Glades County Detention Center, Moore Haven, FL (currently in use)	300
Hudson Correctional Facility, Hudson, CO	1,188
Huerfano County Correctional Center, Walsenburg, CO	750
Limestone County Detention Center, Groesbeck, TX	1,000
Maverick County Detention Center, Eagle Pass, TX	600
North Lake Correctional Facility, Baldwin, MI	1,498
Okmulgee County Jail, Okmulgee, OK	225
Perry County Correctional Center, Uniontown, AL	700
Prairie Correctional Facility, Appleton, MN	1,600
South Louisiana Detention Center, Basile, LA	860
Tallahatchie County Correctional Facility, Tutwiler, MS	2,634
Adelanto Correctional Facility, Adelanto, CA (currently in use)	800
Bossier Parish Sheriff's Office, Plain Dealing, LA	640
Eloy Federal Contract Facility, Eloy, AZ (currently in use)	760
Harlingen Staging, Harlingen, TX	400
Immigration Centers of America Farmville, Farmville, VA	480
Imperial Regional Detention Facility, Calexico, CA (currently in use)	1,300

Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Jackson Parish Correctional Center, Jonesboro, LA	1,252
Otay Mesa Detention Center, San Diego, CA (currently in use)	1,408
Pennsylvania State Correctional Institution at Frackville (SCI Frackville), Frackville, PA	1,000
Pine Prairie Correctional Center, Pine Prairie, LA	300
Prairieland Detention Facility, Alvarado, TX (currently in use)	750
Willacy Detention Center, Raymondville, TX (used previously)	1,000
Winnebago County Jail, Rockford, IL	500
Total	26,487

Question#:	7
Topic:	USCIS Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On April 12, 2017, The Washington Post published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP's, Immigration and Customs Enforcement's (ICE's), and U.S. Citizenship and Immigration Services' (USCIS's) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding USCIS's progress in implementing Executive Order 13767, I ask for:

The revised – and unrevised – instructions on the proper application of the Trafficking Victims Protection Reauthorization Act (TVPRA);

Response: To ensure that unaccompanied alien children (UACs) are properly processed, consistent with section 11(e) of EO 13767, the Department of Homeland Security is actively considering and working to develop uniform guidance and procedures on processing applications for asylum filed by UACs under section 235(d)(7)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), 8 U.S.C. 1232. The guidance will need to be vetted through the interagency process, as it will impact DOJ, and HHS in addition to DHS components. Until new uniform guidance can be issued, USCIS continues to follow existing guidance that was issued in 2013. That 2013 guidance states that in cases in which either U.S. Customs and Border Protection (CBP) or ICE has already made a UAC determination (usually at the time of encounter or processing), Asylum Offices will generally adopt that determination without further factual inquiry unless another component or agency has reassessed the facts and taken affirmative action to terminate the prior UAC determination before the applicant filed the initial asylum application.

Question: The report on the "vulnerabilities in the asylum program and steps to be taken to mitigate/eliminate such vulnerabilities" that was referenced in the draft progress report.

Response: The final proposed joint USCIS, CBP and ICE vulnerabilities report is currently under review. Final steps to be taken to mitigate/eliminate vulnerabilities in the Asylum Program are forthcoming upon approval or modification of the report by DHS leadership.

Question#:	8
Topic:	OIG Funding
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's FY 2018 budget request would increase DHS's overall net discretionary budget authority by $2.8 billion - or 6.8 percent - compared to annualized levels contained in the FY 2017 Continuing Resolution (CR) while significantly reducing staffing and spending at the Office of Inspector General (OIG). The President requested a reduction of $3.2 million - or 2.3 percent - for the OIG compared to the FY 2017 CR. Compared to spending levels contained in the FY 2017 omnibus spending bill Congress approved in May, the President's request would reduce funding for the OIG by $17 million - or 9.7 percent.

Do you support the President's request to reduce funding for the OIG in FY 2018? Why or why not?

Response: Yes, the Department of Homeland Security fully supports the President's request which is a result of balancing funding requirements for the Department as a whole.

Question: Do you believe that when the overall budget authority at DHS increases, the budget for the OIG should grow proportionally?

Response: Various factors need to be considered for any budget decision. Proportional budget growth cannot be considered without weighing all the other factors involved.

Question#:	9
Topic:	Counterterrorism Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's budget request would reduce funding by more than $500 million for DHS programs intended to build state and local resilience to terrorist attacks. The proposed cuts include $156.1 million to the Urban Area Security Initiative (UASI), $117.6 million to the State Homeland Security Program (SHSP), $70.7 million to the Emergency Management Performance Grant (EMPG) program, $52.2 million to the Port Security Grant Program (PSGP), $52.2 million to the Transit Security Grant Program (TSGP), $45 million to the Law Enforcement Officer Reimbursement Program, $43 million for Visible Intermodal Prevention and Response (VIPR) teams, $39 million for the Complex Coordinated Terrorist Attacks (CCTA) program, and $10 million for the Countering Violent Extremism (CVE) grant program.

Given the number and magnitude of threats facing our country, do you support the President's request to reduce funding for these counterterrorism programs in FY 2018? Why or why not?

Response: The Department fully supports the President's Fiscal Year 2018 Budget submission. Reductions to state and local grants are proposed in order to: ensure adequate funding for core Department of Homeland Security missions, encourage grant recipients to share responsibility for the cost of preparedness activities in their own budgets, and continue funding those activities that demonstrate the greatest return on security investments.

Reductions are consistent with the President's budget blue print priorities to stand prepared for emergency response and disaster recovery, while ensuring that the federal government is not supplanting other stakeholders' responsibilities. Despite the adjustments to the programs you cite, the President's budget overall is forward-leaning on counterterrorism and robustly funds our frontline efforts to protect the American people and our country from terror threats.

Moreover, preparedness is a shared responsibility between federal, state, and local governments. Since 2002, the federal government has allocated over $47 billion in grants to support state and local preparedness investments. We believe the funds have expanded preparedness capabilities. The federal government should now focus on ensuring that funding goes toward closing capability gaps and addressing national priorities.

It is time for state and local governments to contribute more toward their own preparedness needs so the federal contribution can be reduced. At the same time, the

Question#:	9
Topic:	Counterterrorism Grants
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Department will maintain and advance its capabilities to respond to the dynamic terror threat environment and to defend our country against those seeking to do us harm.

Grantees will potentially need to reprioritize funding or funding amounts to address their highest priority capability gaps.

Beyond the $1.9 billion that the Department is requesting for grants to support homeland security officials, emergency managers, and first responders, FEMA and the Department also support responders through other direct support activities including, but not limited to, technical assistance, training, and exercises.

Question#:	10
Topic:	FEMA Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's FY 2018 budget request would reduce funding for the Federal Emergency Management Agency's (FEMA's) Pre-Disaster Mitigation (PDM) grant program by $41.1 million. This is a program that supports various initiatives aimed at mitigating against natural disasters before they occur, such as retrofitting public buildings against hurricane-force winds or seismic damage, acquiring and relocating properties out of flood-prone areas, elevating structures that lie within a floodplain, flood-proofing public buildings, managing vegetation to mitigate against wildfires, and constructing or converting public spaces into safe rooms in tornado-prone areas. Discretionary funding for the National Flood Insurance Program's (NFIP's) Flood Hazard Mapping and Risk Analysis Program (Risk MAP) would also be reduced by $189.6 million. Based on FEMA's map inventory, 98.8% of the U.S. population is covered by an existing flood map; however, many of the maps do not account for recent population growth and development and were produced using outdated technology.

Do you support the President's request to reduce funding for the PDM grant program and Risk MAP in FY 2018? Why or why not?

Response: The Department fully supports the President's Fiscal Year 2018 Budget submission. The Fiscal Year 2018 Budget continues to fund Pre-Disaster Mitigation through discretionary appropriations and funds RiskMAP through new and existing surcharges on National Flood Insurance Program policy holders.

In the Fiscal Year 2018 Budget, the Administration proposed eliminating appropriated funding for flood hazard mapping and transferring the full costs of mapping to policyholders. If the legislative proposal for a new surcharge is adopted, the RiskMAP program is projected to be at an equivalent level of funding in Fiscal Year 2019 compared to the Fiscal Year 2017 appropriated budget.

The PDM grant program supports the Department of Homeland Security's goal of strengthening capacity at all levels of society to withstand threats and hazards. PDM accomplishes this by providing federal funding to state, territorial, tribal, and local governments for eligible planning and project activities. The goal of pre-disaster mitigation is to reduce overall risk to the nation's economic security and public safety from future hazard events and to reduce reliance on federal funding for future disasters. Research has shown a $4 return on investment for every $1 spent on mitigation. Each PDM application cycle, FEMA typically receives an amount of applications three to four times what is appropriated for the program.

Fiscal Year	Inspection Facility Name	Requested Amount	Funded Amount	Commercial Port?
2008	Warroad, MN	$43,628,000	$43,628,000	Yes
	San Luis I, AZ	$7,053,000	$7,053,000	No
	Donna/Rio Bravo, TX	$0	$23,384,000	No
	Madawaska	$17,160,000	$17,160,000	Yes
	Derby Line - I-91, VT	$33,139,000	$33,139,000	Yes
	Alexandria Bay, NY	$11,676,000	$11,676,000	Yes
	Tornillo-Guadalupe; El Paso, TX	$4,290,000	$4,290,000	Yes
	San Ysidro, CA	$37,742,000	$199,179,000	No
	TOTAL	**$154,688,000**	**$339,509,000**	
2009	Portal, ND	$15,204,000	$15,204,000	Yes
	San Ysidro, CA	$58,910,000	$58,910,000	No
	Nogales West - Mariposa, AZ	$199,500,000	$199,500,000	Yes
	Otay Mesa, CA (Cargo)	$21,300,000	$21,300,000	Yes
	Columbus, NM	$2,450,000	$2,450,000	Yes
	Calais - St. Stephen, ME	$6,300,000	$6,300,000	Yes
	Madawaska, ME	$750,000	$750,000	Yes
	Van Buren, ME	$39,700,000	$39,700,000	Yes
	Blaine - Peace Arch, WA	$30,000,000	$30,000,000	Yes
	Multiple LPOEs	$420,000,000	$420,000,000	Yes
	TOTAL	**$794,114,000**	**$794,114,000**	
2010	Tornillo-Guadalupe, TX	$91,565,000	$91,565,000	Yes
	Calexico West, CA	$9,437,000	$9,437,000	No
	Madawaska, ME	$50,127,000	$50,127,000	Yes
	TOTAL	**$151,129,000**	**$151,129,000**	
2011	Calexico West, CA	$84,359,000	$0	No
	Calais - Ferry Point, ME	$1,552,000	$0	Yes
	TOTAL	**$85,911,000**	**$0**	
	Columbus, NM	$59,598,000	$0	Yes

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2012	Alexandria Bay, NY	$173,565,000	$0	Yes
	Laredo I & II, TX	$74,947,000	$0	No
	Dunseith, ND	$35,863,000	$0	Yes
	Brownsville, TX	$26,090,000	$0	Yes
	TOTAL	**$370,063,000**	**$0**	
2013	**No projects submitted** (per OMB)	**$0**	**$0**	
2014	San Ysidro, CA - Phase III	$226,000,000	$128,300,000	No
	San Ysidro, CA - Phase III	$0	$97,700,000	No
	Laredo Bridges I & II, TX	$61,686,000	$25,786,000	No
	Laredo Bridges I & II, TX	$0	$35,900,000	No
	Columbus, NM	$0	$7,400,000	Yes
	TOTAL	**$287,686,000**	**$295,086,000**	
2015	San Ysidro, CA - Phase II	$216,828,000	$216,828,000	No
	Calexico West, CA - Phase I	$98,062,000	$98,062,000	No
	Alexandria Bay Phase I, NY	$105,570,000	$0	Yes
	Laredo Bridges I & II, TX		$25,000,000	No
	TOTAL	**$420,460,000**	**$339,890,000**	
2016	Columbus, NM	$85,645,000	$85,645,000	Yes
	Alexandria Bay Phase I, NY	$105,570,000	$105,600,000	Yes
	Blaine, WA - Pacific Highway	$11,930,000	$0	Yes
	Laredo Bridges I & II, TX	$0	$14,000,000	No
	TOTAL	**$203,145,000**	**$205,245,000**	
2017	Calexico West Phase II, CA	$248,213,000	$0	No
	TOTAL	**$248,213,000**	**$0**	
2018 es. Budget	Alexandria Bay Phase II, NY	$132,979,000	Congressional action pending	Yes
	Otay Mesa, CA	$121,848,000	Congressional action pending	Yes
	San Luis I, AZ	$234,000,000	Congressional action pending	No
	Blaine, WA - Pacific Highway	$17,960,000	Congressional action pending	Yes

Pr	TOTAL	$506,787,000	$0	

Land Border Crossing Name	Ownership	Year Built	Last Renovated	Years Since Last Renovation	Commercial Processing Modes		2016 Traffic Volumes*		Average 2016 Truck Wait Times, Min. **	Lanes Commercial Inbound	Lanes Commercial Outbound	Number of Inbound Rail Tracks
					Trucks	Trains	Trucks	Trains				
Alburg Springs, VT	GSA	1935		82	Yes	No	1,591			1	0	
Alburg, VT	GSA	1988		29	Yes	No	961			1	0	
Alcan, AK	GSA	1974		43	Yes	No	6,294			1 Dual use	0	
Alexandria Bay, NY - Thousand Islands	GSA	1974		43	Yes	No	205,329		0.97	3	1	
Ambrose, ND	GSA	1931	2006	11	Yes	No	7			0	0	
Amistad Dam, TX	CBP	1969	2013	4	No	No				0	0	
Andrade, CA	GSA Owned/GSA Leased	1958	1992	25	No	No				0	0	
Antelope Wells, NM	CBP	1971	2013	4	No	No				0	0	
Antler, ND	CBP	1961	2011	6	Yes	No	1,130			0	0	
Baudette, MN	GSA	1997		20	Yes	Yes	6,298	2,745		1	0	1
Beebe Plain, VT	GSA	1937		80	Yes	No				1	0	
Beecher Falls, VT	GSA	1932		85	Yes	No	9,552			1	0	
Blaine, WA - Pacific Highway	GSA	1999	2005	12	Yes	No	364,779			3	2	
Blaine, WA - Peace Arch	GSA	1978	2011	6	No	Yes		2,175		0	0	1
Boquillas, TX	NPS	2013		4	No	No				0	0	
Boundary, WA	CBP	1978	2013	4	Yes	Yes		309		1	0	1
Bridge of the Americas (BOTA), TX	GSA	1967	2003	14	Yes	Yes	297,611	1,667	22.22	6	1	1
Bridgewater, ME	CBP	1976	2012	5	Yes	No	7,253			1	0	
Brownsville, TX - Brownsville and Matamoros (B&M)	GSA	1991		26	No	Yes		763		0	0	1
Brownsville, TX - Gateway International Bridge	GSA	1950	1989	28	No	No				0	0	
Bridge	GSA	1999		18	Yes	No	190,299		11.71	4	2	
Buffalo, NY - Peace Bridge	GSA Leased	1927	1998	19	Yes	Yes	605,340	2,198	6.68	7	0	1
Calais, ME - Ferry Point	GSA	1935	2008	9	No	No				0	0	
Calais, ME - Int'l Avenue	GSA	2009		8	Yes	No	65,065			3	2	
Calais, ME - Milltown	GSA	1940		77	No	Yes		193		0	0	1
Calexico East, CA - Imperial Valley	GSA	1996		21	Yes	No	350,873		6.33	3	2	
Calexico West, CA - Downtown	GSA	1933	1987	30	No	Yes		251		0	0	1
Canaan, VT	GSA	1933		84	Yes	No	515			1	0	
Cannons Corner, NY	CBP	1974	2012	5	Yes	No				1	0	
Carbury, ND	CBP	1963	2011	6	Yes	No	1,586			0	0	
Champlain, NY	GSA	1967	2009	8	Yes	Yes	312,044	1,118	0.39	8	2	1
Chateaugay, NY	GSA	1932		85	Yes	No	11,428			1	0	
Chief Mountain, MT	GSA	1938	1940	77	Yes	No				1	0	
Churubusco, NY	CBP	1968	2012	5	Yes	No	514			1	0	
Coburn Gore, ME	GSA	1932		85	Yes	No	20,380			1	1	
Columbus, NM	GSA	1989		28	Yes	No	14,852		3.34	1	0	
Crane Lake, MN	GSA Leased	1953		64	No	No				0	0	
Dalton Cache, AK	GSA	1979		38	Yes	No	1,283			1 Dual use	0	
Danville, WA - Carson	GSA	1988		29	Yes	Yes	196			1	0	1
Del Bonita, MT	CBP	1962	2012	5	Yes	No	73			1	0	
Del Rio, TX	GSA	1967	2009	8	Yes	No	74,530		1.03	3	4	
Derby Line, VT - I-91	GSA	1965	2008	9	Yes	No	98,281		0.51	2	0	
Derby Line, VT - Route 5	GSA	1931		86	Yes	No	97		0.51	1	0	
Detroit, MI - Ambassador Bridge	GSA Owned/GSA Leased	1984	2006 (Cargo)	11	Yes	Yes		1,856	7.73	13	7	1
Detroit, MI - Windsor Tunnel	GSA Leased	1977		40	Yes	No	32,047		2.32	1	0	
Donna, TX	GSA	2010		7	No	No				0	0	
Douglas, AZ – Raul Hector Castro	GSA	1936	1993	24	Yes	No	30,803		3.94	2	0	
Dunseith, ND	GSA	1974		43	Yes	No	25,644			1	0	
Eagle Pass I, TX - Piedras Negras Bridge	GSA	1960	2006	11	No	No				0	0	
Eagle Pass II, TX	GSA Owned/GSA Leased	1999		18	Yes	Yes	160,037	3,076	4.91	2	2	1
East Richford, VT - Route 105	GSA	1931		86	Yes	No	9			1	0	
Easton, ME	CBP	2001	2012	5	Yes	No	1,178			1	0	

Eastport, ID	GSA	1989		28	Yes	Yes	63,054	1,186		1	1	1
Ely, MN	Forest Service/USDA	1993		24	No	No				0	0	
Estcourt, ME - St. Francis	GSA Leased	1953		64	Yes	No	3,458			1	0	
Falcon Dam, TX	CBP	1953		64	No	No				0	0	
Ferry, WA - Curlew	GSA	1936	1980	37	Yes	No	999			1	0	
Forest City, ME	CBP	1965	2013	4	Yes	No				1	0	
Fort Covington, NY	GSA	1933		84	Yes	Yes	1,891			1	0	1
Fort Fairfield, ME	GSA	1933	1990	27	Yes	No	13,632			2	0	
Fort Hancock, TX	GSA	2003		14	No	No				0	0	
Fort Kent, ME	GSA	1981		36	Yes	No	5,565			1	0	
Fortuna, ND	CBP	2004		13	Yes	No	8,028			1	0	
Frontier, WA	CBP	1956	2011	6	Yes	No	20,073			1	0	
Goat Haunt, MT	NPS	1965		52	No	No				0	0	
Grand Portage, MN	GSA	1965		52	Yes	No	16,083			1	0	
Hamlin, ME	CBP	1972	2012	5	Yes	No	844			1	0	
Hannah, ND	CBP	1961	2012	5	Yes	No	33			0	0	
Hansboro, ND	CBP	1963	2011	6	Yes	No	458			0	0	
Hidalgo, TX	GSA Leased	1982		35	No	No				0	0	
Highgate Springs, VT	GSA	1997		20	Yes	Yes	91,923	338	0.05	1	1	1
Houlton, ME	GSA	1985		32	Yes	No	89,436		0.82	2	0	
International Falls, MN	GSA	1991	2003	14	Yes	Yes	17,342	3,703		1	0	1
Jackman, ME	GSA	1963	2010	7	Yes	Yes	32,560	257	0.02	2	COV/POV lane	1
Lancaster, MN	CBP	2004		13	Yes	No	4,925			1	0	
Laredo Bridge I, TX - Convent St.	GSA	1942	1985	32	No	No				0	0	
Laredo Bridge II, TX - Lincoln Juarez	GSA	1974		43	No	No				0	0	
Laredo Bridge III, TX - Colombia	GSA	1991		26	Yes	No	350,844		5.39	8	2	
Laredo Bridge IV, TX - World Trade Bridge	GSA Leased	2000		17	Yes	Yes	1,738,403	3,789	16.77	15	8	1
Laurier, WA	GSA	1935	1981	36	Yes	Yes	9,180	154		1 Dual use	0	1
Limestone, ME	GSA	1933	1990	27	Yes	No	2,405			1	0	
Los Ebanos Ferry, TX	CBP	1979	2013	4	No	No				0	0	
Los Indios, TX - Free Trade Bridge	GSA	1992		25	Yes	No	27,319		0.52	4	4	
Lubec, ME	GSA Leased	1964		53	Yes	No	2,371			1	0	
Lukeville, AZ	GSA	1976		41	Yes	No	154		0.44	1	0	
Lynden, WA	GSA	1988		29	Yes	No	46,338			1	0	
Madawaska, ME	GSA	1959		58	Yes	No	16,258		0.74	1	0	
Maida, ND	CBP	1961	2011	6	Yes	No	1,624			0	0	
Massena, NY	GSA	1952	2010	7	Yes	No	25,015			3	0	
McAllen Anzalduas	GSA	2009		8	Yes	No				0	1 (empties only)	
Metaline Falls, WA	GSA	1931		86	Yes	No	9,496			1 Dual use	0	
Monticello, ME	CBP	1970		47	Yes	No	50			1	0	
Mooers, NY	GSA	1933		84	Yes	No	710			1	0	
Morgan, MT	CBP	1963	2011	6	Yes	No	346			1	0	
Morses Line, VT	CBP	1934		83	Yes	No	329			1	0	
Naco, AZ	GSA	1936	1995	22	Yes	No	3,303		0.57	1	0	
Neche, ND	CBP	1965	2011	6	Yes	No	9,236			0	0	
Niagara Falls, NY - Lewiston Bridge	GSA Leased	1961		56	Yes	No	352,288		2.01	4	0	
Niagara Falls, NY - Rainbow Bridge	GSA Leased	2000		17	No	No				0	0	
Niagara Falls, NY - Whirlpool Rapids	GSA Leased	1897		120	No	Yes				0	0	1
Nighthawk, WA	CBP	1962	2012	5	No	No				0	0	
Nogales East, AZ - DeConcinni and Morley Gate	GSA	1935	1998	19	No	Yes		738		0	0	1
Nogales West, AZ - Mariposa	GSA	1976	2015	2	Yes	No	336,378		16.69	8	2	
Noonan, ND	CBP	1975	2011	6	Yes	No	4,179			0	0	
North Troy, VT	GSA	2005		12	Yes	No	2,235			1	1	
Northgate, ND	CBP	2004		13	Yes	Yes	11,421	145		1	0	1
Norton, VT	GSA	1932	2007	10	Yes	Yes	11,898	216	0.07	1	0	1
Ogdensburg, NY	GSA Leased	2003		14	Yes	No	5		0.15	2	1 Dual use	

Opheim, MT	CBP	2004		13	Yes	No	219			2	1	
Orient, ME	GSA	1974		43	Yes	Yes	402			1	0	1
Oroville, WA	GSA	2005		12	Yes	No	27,381			2	0	
Otay Mesa, CA	GSA	1984	1994	23	Yes	Yes	899,336	300	33.75	10	4	1
Overton Corners, NY - Route 276	GSA	1933		84	Yes	No	1,114			1	0	
Paso Del Norte, TX - Santa Fe Street Bridge	GSA	1967	2009	8	No	No				0	0	
Pembina, ND	GSA	1999		18	Yes	Yes	214,189	1,016		4	0	1
Pharr, TX	GSA	1996		21	Yes	No	561,881		20.58	6	1	
Piegan, MT	GSA	2000		17	Yes	No	1,886			1	0	
Pinecreek, MN	CBP	1958	2012	5	Yes	No	777			1	0	
Pinnacle Road, VT	CBP	1971	2011	6	Yes	No	33			1	0	
Pittsburg, NH	CBP	1960	2011	6	Yes	No	215			1	0	
Point Roberts, WA	GSA	1997		20	Yes	No	14,477			1	0	
Poker Creek, AK	GSA	1999		18	Yes	No	116			1 Dual use	0	
Port Huron, MI - Blue Water Bridge	GSA Leased	1996		21	Yes	Yes	835,129	3,068	3.40	9	2	1
Portal, ND	GSA	1934	2013	4	Yes	Yes	73,477	1,511		2	0	1
Porthill, ID	GSA	1967		50	Yes	No	8,847			1	1	
Presidio, TX	GSA Leased	1988	2001	16	Yes	No	7,561		0.01	1	0	
Progreso, TX - B&P Bridge	GSA Leased	1982		35	Yes	No	4		5.86	1	1	
Raymond, MT	GSA	2005		12	Yes	No	13,251			2	1	
Richford, VT - Route 139	GSA	1932		85	Yes	Yes	2,671	142		1	0	1
Rio Grande City, TX - Starr-Camargo Bridge	GSA Leased	1966	2001	16	Yes	No	36,085		0.67	2	2	
Roma, TX - Starr County International Bridge	GSA Leased	1989		28	Yes	No	7,531		0.97	2	0	
Roosville, MT	GSA	2002		15	Yes	No	10,464			1	1	
Roseau, MN	CBP	2004		13	Yes	No	6,279			2	0	
Rouses Point, NY - St. John's Highway	GSA	1933		84	Yes	Yes	31			1	0	1
San Luis I, AZ	GSA	1984		33	No	No				0	0	
San Luis II, AZ	GSA	2010		7	Yes	No	31,413		0.59	3	2	
San Ysidro, CA	GSA	1932	2016	1	No	No				0	0	
Santa Teresa, NM	GSA	1997		20	Yes	No	102,896		14.60	3	1	
Sarles, ND	CBP	1961	2012	5	Yes	No	885			0	0	
Sasabe, AZ	GSA	1937	1997	20	Yes	No				1	0	
Sault St. Marie, MI	GSA	2005		12	Yes	Yes	41,073	366	1.37	2 Dual use	0	1
Scobey, MT	CBP	1978	2011	6	Yes	No	303			1	1	
Sherwood, ND	CBP	1981	2011	6	Yes	No	6,802			0	0	
Skagway, AK	GSA	1976	1994	23	Yes	Yes	4,246	316		1 Dual use	0	1
St. Aurelie, ME	GSA Leased	1963	2001	16	Yes	No	4,231			1	COV/POV lane	
St. John, ND	GSA	1931	2005	12	Yes	No	442			0	0	
St. Juste, ME	GSA Leased	2004		13	Yes	No	5,524			1	1 outbound	
St. Pamphile, ME	GSA	1995		22	Yes	No	10,398			1	COV/POV lane	
St. Zacharie, ME	GSA Leased	2004		13	Yes	No	5,773			1	COV/POV lane	
Stanton Street DCL, TX - Good Neighbor Bridge	GSA Leased	1999		18	No	No				0	0	
Sumas, WA	GSA	1988		29	Yes	Yes	158,527	188		2	1	1
Sweetgrass, MT	GSA	2004		13	Yes	Yes	127,751	357		2	1	1
Tecate, CA	GSA	1933	2005	12	Yes	No	56,511		16.32	2	1	
Tijuana Cross Border Express, CA	Otay-Tijuana Venture LLC	2015		2	No	No						
TX)	GSA	2015		2	No***	No	170			2	1	
Trout River, NY	GSA	1931		86	Yes	Yes	1,614	551		1	0	1
Turner, MT	GSA	1992		25	Yes	No	729			1	0	
Van Buren, ME	GSA	1965	2013	4	Yes	Yes	11,468	445		2	0	1
Vanceboro, ME	GSA	1964		53	Yes	Yes	542	281		1	0	1
Walhalla, ND	CBP	1962	2011	6	Yes	No	8,256			0	0	
Warroad, MN	GSA	1962	2010	7	Yes	Yes	6,467	2,557		1	0	1
West Berkshire, VT	GSA	1934		83	Yes	No	3,272			1	0	
Westhope, ND	CBP	1974	2011	6	Yes	No	11,014			0	0	
Whitlash, MT	CBP	1974	2013	4	Yes	No	105			1	1	

Wild Horse, MT	CBP	1964	2011	6	Yes	No	1,922			1	0	
Willow Creek, MT	CBP	2004		13	Yes	No	3			2	1	
Ysleta, TX	GSA	1991	1996	21	Yes	No	468,171		16.96	8	2	

*Traffic volume data is not available for all crossing. The information is provided *only where available.*

***CBP does not track wait times at all commercial crossings. The information is provided only for crossings where wait times are tracked.*

***Commercial processing at the Marcelino Serna LPOE has been temporarily suspended due to the lack of demand.

Question#:	11
Topic:	Federal Air Marshals
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: To which countries have has the Federal Air Marshal Service provided training to develop or enhance its their own Air Marshal program? To any other countries? Please list the countries that have participated in the last year and the countries that will participate through 2018 and describe the training.

Response: In 2017, the Transportation Security Administration (TSA) provided training to four In-Flight Security Officer (IFSO) programs to develop or enhance their own IFSO programs: Australia, Germany, Saudi Arabia, and Japan.

In 2018, TSA anticipates offering training to Canada and France for the same purpose.

The training provided by TSA focuses on aspects of the Federal Air Marshal Training Program II (FAMTP-II). FAMTP-II provides training specific to transportation security, particularly the aviation domain, adapting physical skills such as the safe and effective application of firearms and defensive measures. Training content does not include sensitive security information (SSI).

Lastly, it should be noted that TSA's Office of Law Enforcement/Federal Air Marshal Service serves as a charter member of the International In-Flight Security Officers Committee. As such, TSA regularly participates as a major contributor to standardization and benchmarking efforts to increase global aviation security.

Question#:	12
Topic:	Missouri REAL ID Legislation
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On June 12, 2017, Governor Eric Greitens signed legislation aimed at bringing the state of Missouri into compliance with the REAL ID Act of 2005. As DHS Secretary, you have the authority, once an extension is requested, to grant extensions to non-compliant states that have taken legislative action to come into compliance with the provisions of the REAL ID Act.

Have you or other DHS officials reviewed the legislation that Governor Greitens signed into law on June 12, 2017?

Do you intend to grant an extension to the state of Missouri once a request is made?

Response: On June 21, 2017, the State of Missouri requested an extension to give it additional time to achieve full compliance with all REAL ID requirements. On July 10, 2017, DHS notified the State of Missouri and members of its Congressional delegation that the state had been granted an extension to the REAL ID compliance deadline until October 10, 2017. For the duration of this extension, Federal agencies may accept for official purposes driver's licenses and other appropriate identification documents issued by Missouri.

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

Response: The Department of Homeland Security notes that Section 7 of the Executive Order states that GSA will provide support to the Commission, including staff necessary to carry out its mission.

Question#:	14
Topic:	H-2B Visa Cap
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Under Section 543 of Division F of the FY 2017 omnibus spending legislation, you were given the authority, after consultation with the Secretary of Labor and upon determining that there are not American workers who are willing, qualified, and able to perform nonagricultural labor, to raise the annual cap on H-2B visas by an amount not exceeding the number of "returning workers" who were exempted from the H-2B cap in any previous fiscal year.

Have you determined whether you will raise the H-2B visa cap for the remainder of FY 2017? If so, how many additional H-2B visas will be available for the remainder of the fiscal year?

Response: On July 19, 2017, in consultation with the Secretary of Labor, the Department of Homeland Security published a final rule increasing the numerical limit on H-2B nonimmigrant visas by up to 15,000 visas through the end of Fiscal Year 2017. These visas are available only to American businesses which attest that they will likely suffer irreparable harm without the ability to employ all the H-2B workers requested in their petition in fiscal year 2017. This is a one-time increase based on a time-limited statutory authority; it does not affect the H-2B program in future fiscal years.

Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The U.S. Customs and Border Protections (CBP) complex mission to provide security, facilitate operations, and manage 328 ports of entry (POEs) throughout the country in partnership with the General Services Administration (GSA). In both 2010 and 2014, CBP provided the House Committee on Homeland Security, Subcommittee on Border and Maritime Security with a report, National Land Border Ports of Entry Assessment, which lists current POE infrastructure and explains their various needs.

Please provide an updated report if it is available. Please provide the below information if it is not provided in the updated report:

A list of all land POEs that includes:

Modes of access (truck or rail crossings) and current infrastructure (number of lanes or rail lines)

Annual commercial traffic volume by mode (truck and rail)

Average traffic crossing wait time (truck and rail)

Ownership structure (CBP, GSA, state or local government, private partnership)

A prioritized list of land POE commercial traffic infrastructure needs that includes:

Estimated costs for completion

Age of infrastructure since last refurbishment

Ongoing infrastructure projects

Land POE commercial traffic funding in the last 10 years, including:

Spending at CBP and GSA sites

Appropriations for CBP and GSA sites.

Response: Annotated response below.

A list of all land POEs that includes:

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Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

The list of all 167 land crossings can be found in the attached Excel spreadsheet titled "Land Crossings Data File"

- Modes of access (truck or rail crossings) and current infrastructure (number of lanes or rail lines)
- Provided in the Excel spreadsheet titled "Land Crossings Data File", where available
- Annual commercial traffic volume by mode (truck and rail)
- Provided in the Excel spreadsheet titled "Land Crossings Data File", where available
- Average traffic crossing wait time (truck and rail)
- Provided in the Excel spreadsheet titled "Land Crossings Data File"
- Ownership structure (CBP, GSA, state or local government, private partnership)
- Provided for all LPOEs in the Excel spreadsheet titled "Land Crossings Data File"

A prioritized list of land POE commercial traffic infrastructure needs that includes:
See Table 1 below.

- Estimated costs for completion
- See footnote to Table 1 below.
- Ongoing infrastructure projects
- See Table 2 below.
- Age of infrastructure since last refurbishment
- Provided in the Excel spreadsheet titled "Land Crossings Data File"

Table 1: Commercial-Capable LPOEs with Modernization Needs (in alphabetical order):

GSA-Owned
Alburg Springs, VT
Alcan, AK
Alexandria Bay, NY Phase I
Alexandria Bay, NY Phase II
Beebe Plain, VT
Brownsville-Gateway, TX
Calais - Ferry Point, ME
Coburn Gore, ME
Columbus, NM
Douglas, AZ
Dunseith, ND

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Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
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El Paso (BOTA), TX
Ft. Fairfield, ME
Gordie Howe, MI
Highgate Springs, VT
International Falls, MN
Madawaska, ME
Otay Mesa, CA
Porthill, ID
Sumas, WA

GSA-Leased
Ambassador Bridge, MI
Andrade, CA
Detroit Windsor Tunnel, MI
Eagle Pass II, TX
Estcourt, ME
Lubec, ME
Niagara Falls - Lewiston, NY
Niagara Falls - Whirlpool Rapids Bridge, NY
Ogdensburg, NY
Peace Bridge, NY
Port Huron - Blue Water Bridge
Presidio, TX
Progreso, TX
Rio Grande City
Roma, TX
St. Aurelie, ME
St. Juste, ME
St. Zacharie, ME

Table 2: Active Commercial LPOE Modernization Projects

Active Commercial LPOE Modernization Projects	
Project Phase	**Project Locations**

Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Active Commercial LPOE Modernization Projects	
Project Phase	**Project Locations**
Planning Phase Projects	International Falls, Minnesota Otay Mesa, California Otay Mesa East, California* Sumas, Washington Coburn Gore, Maine El Paso, Texas – Bridge of the Americas Alburg Springs, Vermont Beebe Plain, Vermont Douglas, Arizona Alcan, Alaska Estcourt, Maine Rio Grande City, Texas
Design Phase Projects	Madawaska, Maine Alexandria Bay, New York Donna, Texas (commercial capability development)* McAllen – Anzalduas, Texas (commercial capability development)*
Construction Phase Projects	Derby Line I-91, Vermont Calexico West, California** Columbus, New Mexico

*PPP project
**Modernization of non-commercial land crossing; does not affect the rail crossing infrastructure

Land POE commercial traffic funding in the last 10 years, including:
Provided in the Excel file titled "10-Year Historical LPOE Appropriations".
Appropriations for ports with commercial operations have been highlighted in yellow.

- Spending at CBP and GSA sites
- Provided in the Excel file titled "10-Year Historical LPOE Appropriations".
- Appropriations for CBP and GSA sites.
- Provided in the Excel file titled "10-Year Historical LPOE Appropriations".

Question#:	16
Topic:	Electronic Device Search Software
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide a list of all electronic device search software that the Department has purchased from 2007 through the present. State the contract number for each purchase, the date of the purchase, and the name of the developer and seller of the software.

For all electronic device search software that DHS has purchased from 2007 to the present, please provide a detailed explanation of the Department's intended purpose in using the software, as well as any policies and guidelines that govern the potential use of the software.

Response: DHS is committed to providing the requested information. Electronic device search software includes a wide range of products and requires an extensive data call to accurately answer the question. DHS will provide the information as soon as the data calls are completed.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator John McCain

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	17
Topic:	Physical Wall Investment
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: Secretary Kelly, do you agree that a wall to secure the southern border of the United States may consist of fences, drones, towers, personnel, and/or hardware and software technologies to prevent illegal immigration, drug and human trafficking and acts of terrorism?

Response: Securing the border in order to reach the state of operational control requires 12 master capabilities working in concert. Border Patrol has identified the top four capabilities that are required to achieve operational control at varying amounts along the entire border: mission readiness (deployment of agents), access and mobility (ability to patrol and work along the border), domain awareness (technology to identify and classify illegal activity) and impedance/denial (to prevent/deter illegal entries).

Question: How will $1.59 billion investment in a physical wall advance this definition?

Response: A border wall system constructed along those identified and prioritized areas of border will provide the required impedance and denial capability as well access and mobility for the Border Patrol Agents.

Question#:	18
Topic:	Surveillance Technology
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: $197.2 million is proposed to provide southwest border technology, which is approximately 12% of $1.59 billion budget for a physical wall. According to your assessment, is this sufficient to provide the technological surveillance necessary to achieve a virtual wall that will more effectively secure our border?

Response: Technology provides a domain awareness capability, which is distinct from the impedance and denial capability provided by wall. It is critical that CBP invest in both these capabilities at the appropriate levels across the border to address the threats and risks in each area, along with the necessary levels of access and mobility and mission readiness capabilities. The Fiscal Year 2018 request for technology augments the technology deployments already in place from prior year investments.

Question#:	19
Topic:	Border Patrol Agents
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: There are 18,000 Border Patrol agents. Last month, there were 12,000 apprehensions. That is less than 1 apprehension per agent over the entire month. With the number of apprehensions dropping, do we need an additional 5,000 Border Patrol agents rather than use those resources elsewhere to prevent the entry of manufactured narcotics?

Response: The increase in Border Patrol agents will support the full mission of the Border Patrol, to include detecting, preventing and apprehending those who attempt to smuggle aliens and contraband such as drugs, weapons and currency across the border between ports of entry.

Question: With an increase in CBP officers, has there been an increase in effectiveness in preventing manufactured heroin from crossing the border and ports of entry?

Response: The Office of Field Operations (OFO) is experiencing an increase in seizures related to opiates (heroin) and opioids (fentanyl) as seen below.

	FY16	FY17 YTD (MAY)
OFO FENTANYL SEIZURES	146.41 KGS	210.36 KGS
OFO HEROIN SEIZURES	1,916 KGS	1,180 KGS

In addition to increasing CBP Officers to enhance interdiction rates, CBP's Non-Intrusive Inspection (NII) Systems investment is focused on evaluating and acquiring technology with capabilities that enhance imagery analysis, decrease processing time, and provide the ability to redirect manpower to other mission areas or examine a greater portion of conveyances thereby increasing interdiction rates of illicit materials.

Two key on-going efforts to support this focus include (1) CBP and DHS Science and Technology Directorate's (S&T) evaluation of the use of drive-through NII systems with backscatter technology to increase NII examinations/ scanning rates of personally owned vehicles and commercial vehicles on the Southwest Border and (2) CBP and S&T working to establish one common user interface that has a secure capability to transfer data from multiple large-scale NII systems to a common viewer workstation, while allowing images and data from multiple systems to be viewed on a standardized software platform, and capture data from multiple vendors/ types of image into a standard file format. Collectively, these projects and other ongoing initiatives, will ultimately reduce operational burdens, increase efficiencies, and have the potential to increase examination

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beyond high-risk conveyances which should ultimately increase the number of heroin and other contraband seizures.

CBP currently has limited visibility into international mail shipments but has been able to identify shippers of fentanyl and other illicit controlled substances. Better data is very important but having the technology in place to utilize the information is even more important for security and to interdict illicit controlled substances.

Interdicting these shipments creates a challenge, requiring coordination with multiple agencies and a bit of luck because it requires a person to manually sort through large bins of packages looking for a matching name. Modernization based on the current standards used by the major international air freight forwarders would be ideal.

International mail is processed manually at one of the following nine International Mail Facilities (IMF): New York, New York; New Jersey; Miami, Florida; Chicago, Illinois; Los Angeles, California; San Francisco, California; Honolulu, Hawaii; San Juan, Puerto Rico; and Charlotte Amalie, the U.S. Virgin Islands. When mail arrives at an IMF, it is accepted (scanned) by the U.S. Postal Service (USPS) and sorted prior to presentation to CBP for inspection. CBP performs a visual inspection and review of the paper customs declaration affixed to the outside of the parcel as it passes along on a conveyor belt. One hundred percent of all mail presented to CBP by the USPS is screened through the use of detection technology equipment such as X-rays and Radiation Portal Monitors. Per existing regulations, the carrier must submit the following manifest requirements: country of origin; total number of mail bags/containers; total weight of mail bags/containers, and the final destination of the mail shipment.

In addition, CBP utilizes advance electronic data (AED) in the express carrier environment to screen and target shipments for contraband, including narcotics. Express operators use internal security operations to identify possible illegal shipments. CBP meets regularly with private carriers (express) to discuss, to the extent possible, mutual areas of concern to include identifying shipments of illicit drugs. For instance, CBP recently met at the local level with an express carrier to conduct outreach with a focus on the safe handling of synthetic opioids.

Question#:	20
Topic:	Unaccompanied Minors
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: In fiscal year 2016, $750 million was appropriated to address root causes to deter and prevent children and families in the Northern Triangle from illegally immigrating to the U.S. Although a budget was drafted, there is no public data as to the effectiveness of the program and how the fund was allocated. How will the $7.94 billion budget request for immigration and customs enforcement address the issue of unaccompanied minors in the United States?

Response: The U.S. Department of Homeland Security (DHS) is dedicated to the faithful execution of our nation's immigration laws, in accordance with the President's January 25, 2017, Executive Orders entitled *Enhancing Public Safety in the Interior of the United States* and *Border Security and Immigration Enforcement Improvements*. This Administration's commitment to enforcing the immigration laws passed by Congress has sent a strong message that our country's borders are not open for illegal crossings.

DHS data shows that since January 2017, the number of illegal aliens apprehended on the southwest border has drastically decreased, indicating a significant decrease in the number of aliens attempting to illegally enter the country. These results have likewise deterred unaccompanied alien children (UAC) from making the dangerous journey across our nation's southwest border. DHS records indicate that the U.S. Border Patrol (USBP) apprehended 1,493 UACs in the entire month of May of 2017. By contrast, in May of 2016, USBP apprehended 5,594 UACs.

Additionally, U.S. Immigration and Customs Enforcement (ICE) commenced an initiative to target human smugglers engaged in smuggling UACs, as well as those facilitating the smuggling venture, which places the safety of UACs at risk. As UACs arrive at the border, any sponsor information provided is reviewed and efforts are made by ICE to contact the UAC prospective sponsors, and interview them in an effort to collect information about the smuggling networks. Information obtained from these interviews is used to develop a cohesive picture of these complex smuggling operations. The overall analysis of these networks ideally includes information about those involved in the facilitation of smuggling, as well as the routes and means of travel used by smugglers. This process of identification, interviews, and information development is a constant cycle—with information provided to enforcement personnel on a regular basis.

If a human smuggling situation becomes exploitative and transitions to a human trafficking situation, ICE Homeland Security Investigations aggressively utilizes its authorities and resources to protect the victim(s) and prosecute the traffickers.

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Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
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In addressing UACs that do make the dangerous journey to our nation's borders, DHS complies with the standards outlined in the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The TVPRA requires that any minor encountered at a land border or at a U.S. port of entry who meets the statute's definition of an UAC, and who is from a country contiguous to the United States, be screened for trafficking indicators, among other factors, prior to being permitted to withdraw his/her application for admission, a role executed by U.S. Customs and Border Protection. If there are no trafficking indicators present and the UAC from a contagious country meets several other conditions, that child may be permitted, when voluntarily choosing to do so, to withdraw his/her application for admission and be repatriated immediately.

UACs from contiguous countries that cannot be returned immediately, and UACs from non-contiguous countries, are placed in removal proceedings under Section 240 of the Immigration and Nationality Act. DHS must then transfer custody of the UAC to the care and custody of the Department of Health and Human Services Office of Refugee Resettlement within 72 hours after determining that such child is a UAC.

The Fiscal Year 2018 budget will ensure that ICE continues to stem illegal immigration, target human traffickers engaged in smuggling UACs, and effectively move UACs from both contiguous and non-contiguous countries through the immigration process, from the initial apprehension through the final disposition of the case.

Question#:	21
Topic:	Cyber Activities
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: Our greatest collective frustration has been the lack of any direction from this administration or the lack on how we should be deterring our adversaries in cyberspace. With $971.3 million being budgeted for cyber activities, how could an overly strict interpretation of sovereignty limit or impair the Department of Defense's ability to plan or employ offensive cyber capabilities?

Response: Deterring our adversaries in cyberspace is a critical challenge, and one that The Department of Homeland Security (DHS) carries out along with our colleagues at the Departments of Defense, State, Justice, and other Federal agencies and partners. DHS defers to the Department of Defense regarding its operations, including the planning or execution of offensive cyber capabilities.

As part of implementing the President's Executive Order on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure, issued on May 11, 2017, DHS is currently working with the Departments of State, Treasury, Defense, Justice, and Commerce, the U.S. Trade Representative, and the Intelligence Community to present the President with strategic options for deterring adversaries and better protecting the American people from cyber threats.

DHS contributes to our nation's deterrence efforts through its law enforcement, network protection, and national preparedness efforts. The National Protection and Programs Directorate (NPPD) contributes to deterrence in cyberspace through network protection efforts. NPPD works to ensure that government agencies and critical infrastructure are protected and resilient thereby denying malicious cyber actors the ability to be successful during less sophisticated malicious attempts at intrusion and reducing the impact of success during more sophisticated attacks. We do this through four interconnected lines of effort: information sharing; best practices, risk assessment, and capabilities; incident response; and building a stronger cybersecurity ecosystem. NPPD provides network protection services and capabilities to Federal departments and agencies and has unique authorities to provide technical capabilities and services directly to civilian Executive branch departments and agencies. NPPD also provides network protection services and coordinates the cybersecurity efforts of the Sector Specific Agencies in alignment with the National Infrastructure Protection Plan. NPPD, in coordination with Sector-Specific Agencies, works with critical infrastructure owners and operators within their sector to enhance network security and reduce systemic risk.

The Departments law enforcement components, particularly the U.S. Secret Service and Immigration and Customs Enforcement's Homeland Security Investigations (ICE/HSI),

Question#:	21
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Primary:	The Honorable John McCain
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contribute to deterrence by aggressively countering cyber crime worldwide. By holding cyber criminals accountable, it deters other potential criminals and demonstrates to foreign states the ability of the U.S. government to attribute and lawfully respond to malicious cyber activity. This reduces the ability of foreign governments to use non-state proxies to engage in malicious cyber activity and undermines their efforts to engage in covert hostile cyber actions against the United States.

For example, on 25 July 2017, ICE/HSI, Secret Service, and their domestic and foreign law enforcement partners successfully took down the Bitcoin exchanger BTC-E and arrested Alexander Vinnik, a Russian citizen, who was in Greece at the time. According to the indictment, BTC-e was one of the world's largest most widely used digital currency exchanges, which provided cyber criminals a highly anonymized means to launder their illicit proceeds. The indictment describes Alexander Vinnik as the owner and operator of multiple BTC-e accounts, including administrator accounts, and also a primary beneficial owner of BTC-e's managing shell company, Canton Business Corporation. By targeting the financial systems that support cyber criminals, law enforcement not only contributes to deterrence, but directly counters the ability of malicious cyber actors to conduct their activities.

As you have observed, how we apply the concept of sovereignty to issues involving cyberspace is a critical challenge that has substantial impacts on our ability to deter and counter malicious cyber activity given the transnational nature of cyberspace. DHS works closely with our interagency partners to find pragmatic solutions that allow us to both hold malicious actors in other nations responsible for activity in their sovereign jurisdictions by partnering with officials and providing capacity building assistance where needed, to help bring them to justice. We also seek to ensure the United States is able to directly counter critical cyber threats, as needed, all while continuing to promote an open, interoperable, reliable, and secure Internet that fosters efficiency, innovation, communication, and economic prosperity. DoD is best able to assess the impacts various views of sovereignty have on their ability to plan or employ offensive cyber capabilities.

Question#:	22
Topic:	NCCIC
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: Additional $42.3 million is allocated to allow the National Cybersecurity and Communications Integration Center (NCCIC) to protect private sector entities through the Enhanced Cybersecurity Services program. What is the intersection between the civilian hub, National Cybersecurity and Communications Integration Center (NCCIC), Federal entities, and non-Federal entities, including the private sector?

Response: The National Protection and Programs Directorate (NPPD) leads efforts to protect federal civilian government networks, collaborates with the private sector to increase the security of critical infrastructure networks, and works closely with state, local, tribal, and territorial governments to promote cybersecurity best practices. Within NPPD, the National Cybersecurity and Communications Integration Center (NCCIC) serves as a 24/7 cyber monitoring, incident response, and management center and as a national hub of cyber and communications integration. NCCIC operates at the intersection of the private sector, state and local governments, federal civilian government agencies, law enforcement, intelligence, defense communities, and international partners. The mission of this civilian hub is to apply unique analytic perspectives, ensuring shared situational awareness, and orchestrating synchronized response efforts while protecting the civil liberties and privacy rights of Americans.

The Enhanced Cybersecurity Services (ECS) program is one of many NCCIC capabilities to protect private sector entities. ECS is an intrusion prevention capability that helps U.S. based companies protect their computer systems against unauthorized access, exploitation, and data exfiltration. ECS works by sharing sensitive and classified cyber threat information with Commercial Service Providers (CSPs). CSPs in turn use that information to block certain types of malicious traffic from entering customer networks. ECS is meant to augment, but not replace, existing cybersecurity capabilities.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Rob Portman

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	23
Topic:	National Biodefense Analysis and Countermeasures Center
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's budget states that Science and Technology Directorate assesses that capabilities at the National Biodefense Analysis and Countermeasures Center (NBACC) can be replicated at other facilities. If NBACC is closed as proposed in the President's budget, which specific agencies or organizations will assume responsibility for supporting the threat characterization currently conducted by NBACC? Has DHS coordinated with these entities? Were similar determinations and plans made for the Chemical Security Analysis Center (CSAC)?

Response: The strategic reductions in the Fiscal Year 2018 budget will allow the Science and Technology Directorate (S&T) to focus on the highest priority needs of the Administration and DHS. The budget proposes to close three laboratories, including NBACC, to maximize limited research and development (R&D) funds and avoid maintaining facilities that would be underutilized at the reduced requested funding levels. The budget continues to fund high-impact R&D for Administration and DHS priorities in border security, counterterrorism, explosives, cyber, and first responder/disaster resilience, while minimizing reductions to biodefense.

S&T assesses that capabilities at NBACC can be replicated on various levels at other facilities. This would require a higher degree of coordination across the various agencies or lab providers involved. S&T will maintain DHS's partnership with 13 Department of Energy national laboratories that are vital to the national homeland security mission. DHS will also seek to leverage technologies developed by the Department of Defense, which is heavily invested in chemical and biological detection and mitigation.

Question#:	24
Topic:	NBACC Closure Plan
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: I understand NBACC has already received notification that the organization should begin developing a closure plan. Given the dependency of any such closing on Congressional action, what steps are you planning to take, if any, regarding the closure of NBACC following the completion of the closure plan and prior to the completion of the Congressional authorization and appropriations process for FY2018?

Response: S&T has notified the contractor, Battelle National Biodefense Institute (BNBI) that manages NBACC for the Department of Homeland Security's Science and Technology Directorate (S&T) of the proposed budget reduction in the Fiscal Year 2018 President's budget. S&T does not intend to close any laboratory facility before there has been a congressional decision.

Question#:	25
Topic:	Polar Icebreaker Program
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: At the hearing you stated that the Coast Guard plans to buy six icebreakers, three heavy and three medium. Does the current acquisition plan of record for the Polar Icebreaker Program reflect this intention?

Response: The current acquisition plan of record for the Polar Icebreaker Program is not finalized. The 2018 Budget proposes funding sufficient to begin work on one new vessel to begin the program, with delivery of that ship scheduled for FY 2023.

Question: The Coast Guard Authorization Act of 2015 (Public Law 114-120), Section 207, POLAR ICEBREAKERS, states: "(a) INCREMENTAL FUNDING AUTHORIZED FOR POLAR ICEBREAKERS - In fiscal year 2016 and each fiscal year thereafter, the Commandant of the Coast Guard may enter into a contract or contracts for the acquisition of Polar Icebreakers and associated equipment using incremental funding."(§207(a)) This authorization provides the Coast Guard with the ability to enter into a contract or contracts to acquire as many new Polar Icebreakers as are required - as long as the Coast Guard uses the incremental funding acquisition process. I understand that the current Polar Icebreaker acquisition process now being executed by the Coast Guard does not take advantage of this authorization. What evaluation process occurred prior to the Coast Guard decision not to enter into a contract or contracts to acquire as many Polar Icebreakers as are required using the incremental acquisition process? Was a formal cost-evaluation completed to compare the existing Polar Icebreaker acquisition process and a block buy incremental acquisition process? If not, why not?

Response: The Coast Guard is considering all acquisition options to ensure the Polar Icebreaker program is best executed. Incremental funding may be an important part of this strategy and if AC&I funding is appropriated the incremental funding approach will be analyzed.

Question#:	26
Topic:	Urban Area Security Initiative Allocations
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: I understand that FEMA is conducting a review of the risk methodology used to determine Urban Area Security Initiative (UASI) allocations. What is the schedule for that review and what is the plan to incorporate Congressional and stakeholder input?

Response: FEMA is currently developing an outreach plan and a review schedule, which FEMA can provide to the Committee once it is finalized. FEMA expects to have the plan and schedule completed by September1, 2017.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Thomas R. Carper

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	27
Topic:	St Elizabeths
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: For the last several years, I have been a strong advocate for the Department of Homeland Security's Headquarters Consolidation at St Elizabeths. I firmly believe that finishing the DHS headquarters would improve our national security, increase morale and productivity at the Department, and save money for the taxpayers.

The President's budget proposes $135 million for GSA's portion of DHS Consolidation at St Elizabeths but does not include DHS funding for new development at the site.

As you know, GSA is largely responsible for infrastructure investments at the site, while DHS is responsible for tenant renovations and improvements.

Can you please share your vision for Headquarters consolidation? Is the current funding request enough to keep the project on schedule?

Response: The Department of Homeland Security believes that the Headquarters Consolidation Program first and foremost is an operational necessity that will promote unity of effort and enhanced mission effectiveness. If we are to achieve and sustain the promise of the Department's creation, we must act as an integrated nimble team to stay ahead of those who seek to destroy our way of life. Headquarters Consolidation moves us closer to that promise. Besides the operational benefits, there is also a solid business case that supports the long-term savings/cost-avoidance of federal property over commercial lease space.

The Fiscal Year (FY) 2018 Budget Request does not seek new development funding for St. Elizabeths but does include critical support costs to sustain current operations at St. Elizabeths. In light of the FY 2017 Consolidated Appropriations Act, and the FY 2018 President's Budget request, DHS and GSA are in the process of evaluating the impacts

Question#:	27
Topic:	St Elizabeths
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

that the Appropriations and Budget processes may have on the St Elizabeths Headquarters Consolidation Enhanced Plan.

Question: Have other Administration infrastructure priorities for DHS, such as building a border wall, shifted resources away from DHS Headquarters consolidation at St. Es?

Response: The Department fully supports the President's Fiscal Year 2018 Budget submission. Given the Fiscal Year 2017 appropriation, GSA and DHS will work during Fiscal Year 2018 to re-validate the program schedule for St Elizabeths. This will ensure that the remaining investments made at St. Elizabeths are both cost effective and efficient.

Question#:	28
Topic:	Cybersecurity Hiring
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Cybersecurity breaches, such as the "WannaCry" ransomware attack last month, are becoming more common and increasingly rely not on expensive or sophisticated technology, but on a combination of common software bugs and user error.

It is important that the Department have the resources it needs-including qualified cybersecurity professionals-to help work with private sector partners and federal agencies to detect, mitigate, and respond to such attacks.

Please provide an update on the Department's progress in hiring and training qualified cybersecurity professionals.

Response: The Department is working to better leverage available recruiting and retention tools to bolster the cybersecurity workforce. One such tool is the Direct Hire Authority for Information Technology and Cyber positions, which allows DHS to hire, after public notice is given, any qualified applicant without regard to 5 U.S.C. 3309-3318, 5 CFR part 2121, or 5 CFR part 337, subpart A. Direct Hiring Authority expedites hiring by eliminating competitive rating and ranking, veterans' preference, and "rule of three" procedures. Additionally, DHS Schedule A Authority for cybersecurity is an excepted service authority to hire up to 1,000 cybersecurity positions in certain occupational series. DHS is authorized to make permanent time-limited or temporary excepted service appointments under this authority. Finally, DHS takes into consideration the special requirements needed for cyber workforce positions and utilizes the superior qualifications appointment authority provided by 5 U.S.C. 5333 and 5 CFR 531.203(b) alone or in combination with a recruitment bonus in order to attract top-tier talent to join its workforce. We have also leveraged several programs to bring cyber professionals into our organization at lower grade levels through the Scholarship for Service and the Pathways Programs to serve as a source to grow talent within the organization.

At the National Protection and Programs Directorate (NPPD), for example, focusing on recruitment and retention tools has yielded significant results. The use of these programs coupled with efforts to adequately staff and streamline our security process have resulted in a decrease of 39.8 days for our hiring timeline in Fiscal Year 2016 compared to Fiscal Year 2015 for the Office of Cybersecurity & Communications. As of June 6, 2017, NPPD has filled 824 of its budgeted 1,044 Cyber positions (78.9 percent). There are 79 candidates (7.5 percent of the total Cyber population at NPPD) who have been selected and are in the process of onboarding. NPPD has 51 positions (4.8 percent) that are actively being recruited but have not yet received a selection. Finally, 133 of the remaining Cyber positions (12.7 percent) are pending actions from the hiring manager.

Question#:	28
Topic:	Cybersecurity Hiring
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

We are confident that NPPD will meet hiring goals for its cyber workforce in the near term.

Question: What portion of the increased cybersecurity funding will go to building up DHS's cyber workforce?

Response: The Fiscal Year 2018 President's Budget Request includes $971.3 million for cybersecurity activities at NPPD. These funds will allow NPPD to coordinate and integrate cyber activity across the intelligence, law enforcement, and counterintelligence domains; analyze and reduce cyber threats and vulnerabilities; and support Federal departments and agencies in improving their cybersecurity posture. The Fiscal Year 2018 President's Budget increased funding for NPPD's cyber workforce particularly for increases to personnel associated with the National Cybersecurity and Communications Integration Center and National Cybersecurity Protection System. The Fiscal Year 2018 President's Budget Request would support NPPD in filling 1,044 Cyber positions.

Question#:	29
Topic:	TSA VIPR Funding
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Last year in the wake of the attacks on the airport in Brussels, the Senate voted 91 to 5 for an amendment to double the number of TSA Visible Intermodal Prevention and Response, or VIPR teams. These teams patrol our airports and public transit spaces in order to deter and respond to terrorist attacks. The provision, which I worked on with a number of my colleagues including Senator Heinrich, was ultimately signed into law. Instead of funding the doubled teams, the President's FY2018 budget request cuts the number of VIPR teams to eight.

Please explain how this proposed cut is justified in light of increased attacks on soft targets.

Response: The level of complexity involved with securing the homeland from all threats, including those to the transportation domain, requires difficult resource allocation decisions. In formulating the Fiscal Year 2018 budget request, the Transportation Security Administration (TSA) focused on preserving front line security capability to protect the traveling public. As part of the risk-based prioritization for resources, those areas where state and local law enforcement already operate or have the capability to step forward to support transportation security were ranked lower for federal funding. This allowed finite resources to be applied to those areas solely under the jurisdiction of the Department of Homeland Security.

The Fiscal Year 2018 President's budget request reflects TSA's intent to place the eight VIPR teams in the higher-risk locations in all modes of transportation. Additionally, TSA is working with state and local law enforcement and industry associations to develop solutions that mitigate the threat to soft targets. In May 2017, the Public Area Security Summit group published a national framework with recommendations to enhance security in public spaces throughout the transportation system.

Question#:	30
Topic:	ICE Private Prisons
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Senator Harris and I sent a letter to DHS last month asking a number of questions about ICE's use of private, for-profit detention facilities.

As you know, an outside panel last year reviewed these facilities and found that these facilities are generally less safe than publicly run facilities, and made a number of recommendations for their improvement.

I believe we requested a reply to that letter by next week (June 12th). I have not a question for you but a request. Can you please commit to reviewing our letter carefully and providing a thorough response to our questions?

Response: The Department has received your letter and is in the process of carefully reviewing and preparing a response, which will be sent to you as soon as possible.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Heidi Heitkamp

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	1
Topic:	Surface Transportation Security Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: In the President's FY18 Budget, the grants available for surface transportation security assistance received a cut of over $52 million from the FY17 level. In addition to receiving a cut in funding, the Public Transportation Security Assistance, Railroad Security Assistance and the Intercity Bus Security Grant Program (IBSGP) were all put in the same line item, whereas in previous budgets, each grant program received dedicated funding. What is the basis for combining these programs into one funding sum? Who will have the discretion of making the distribution decisions for funding these programs from the one sum? How will the Department ensure each program is receiving adequate funding to mitigate threats?

Response: The President's Budget Request typically does not include funding for sub-programs. Instead, top line requests are included for:

State Homeland Security Program

Urban Areas Security Initiative;

Port Security Grant Program; and

Public Transportation Security Assistance and Railroad Security Assistance (TSGP)

Funding for transportation security grant programs such as the Intercity Bus Security Grant Program, which is a carve out of the Transit Security Grant Program, is appropriated by the Congress. Ultimately, FEMA executes on the funding as appropriated by Congress.

Question#:	2
Topic:	Intercity Bus Security Grant Program
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: In the wake of recent terrorist attacks around the world involving the use of vehicles as weapons, it is increasingly necessary to ensure that large commercial vehicles are prepared for these new security threats and are in the position to mitigate these risks. Even with this increased threat, the IBSGP received a $1 million cut in the FY17 Omnibus and did not receive a dedicated line item in the President's FY18 request. What priority is the Department placing on the importance of insuring all surface modes have adequate resources to prepare for these changing threats? Can the Committee obtain a commitment from you that the IBSGP is a priority for the Department of Homeland Security moving forward?

Response: DHS does not believe that funding the Intercity Bus Security Grant Program is the best use of dwindling financial resources. DHS believes that the greatest risk to the traveling public is within public transportation systems and recommends that grant funding be focused accordingly.

Question#:	3
Topic:	First Responder Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Ensuring that first responders have the tools and resources they need to keep our communities and families safe is critical to national security. That is why I strongly support programs like State Homeland Security Program, Operation Stonegarden, and the Emergency Management Performance Grant program, which provide critical funding to help law enforcement, first responders, and emergency managers attain the training and resources they need to prevent, protect, and respond to terrorism and other hazardous events. Like many, I have serious concerns about the President's FY18 budget request and the potential impact that the proposed reductions and 25 percent cost-share could have on state and local communities. What are your thoughts about the proposed cuts and 25 percent non-Federal cost match, and are you concerned that they may weaken the ability of state and local communities to prepare for emergencies?

Response: As a team, state, local, territorial, tribal and federal partners are responsible for the coordination of preparedness and protection-related activities throughout the nation, including grants, planning, training, exercises, individual and community preparedness, assessments, lessons learned, and continuity.

The reductions to non-disaster grants are proposed based on hard decisions within the Department, striking a balance to ensure adequate funding for core Department of Homeland Security national priorities and missions, to encourage grant recipients to share responsibility for the cost of preparedness activities in their own budgets, and to fund those activities that demonstrate the greatest return on investments.

Included in the Budget is a proposal for a 25 percent non-federal cost match requirement for preparedness grants. Preparedness is primarily the responsibility or state, and local governments. The federal government should now focus on ensuring funding is directed to close capability gaps and address national priorities, and continue to provide technical assistance and tools to prepare for, protect against, respond to, recover from, and mitigate terrorism and other hazardous events.

Question#:	4
Topic:	Ground-Based Technologies
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2018 budget includes increased funding for ground-based technologies along the border to maximize protection in areas that lack border patrol forces. S&T described that part of these funds will be used to continue to "investigate" technologies to be used on the northern border and non-walled areas like tripwire systems and unmanned aerial systems. With the Administration focused on a potential southern border wall, what steps will DHS take to ensure that any technology investigation is analyzed to determine if it could be used in other areas and environments, such as the Northern Border, coastal borders or parts of the southern part without a wall or fencing?

Response: S&T's Homeland Security Advanced Research Projects Agency's (HSARPA) Borders and Maritime Security Division (BMD) focuses on border security research and development for technologies and solutions to prevent the illicit movement and illegal entry or exit of people, weapons, dangerous goods, and contraband; and manages the risk posed by people and goods in transit. BMD works closely with Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the United States Coast Guard (USCG) through its Secure Borders Integrated Product Team and working groups to identify current, emerging, and future border security threats and challenges. This partnership ensures that DHS remains agile to incoming needs and flexible enough to make adjustments to address changes to administration priorities, emerging threats, and technological advancements. BMD's portfolio consists of four main border security mission spaces: Land, Maritime, Air, and Ports of Entry.

HSARPA/BMD has the advantage of analyzing capability gaps and recommending solutions that meet broad Department needs, rather than individual component needs. For example, unattended ground sensor projects are being tested for feasibility on the northern and southern borders, at and between ports of entry, with and without fence and wall infrastructures, in both land and maritime environments, and for surface and sub-surface activities. This is a prime example of how DHS ensures there are technological efficiencies across the mission spaces.

Question#:	5
Topic:	NBACC Closing
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2018 budget proposes to eliminate funding for research and development projects that advance national security. Part of the elimination includes closing the National Biological Analysis and Countermeasure Center (NBACC), which houses facilities equipped to analyze and assess chemical and biological threats to the United States.

What research or evidence supports closing these facilities?

Did DHS consult with other agencies, such as DOD, FBO, or USDA, before assuming that these agencies would be able to fill the national security research gaps caused by the elimination of DHS research projects under this proposed budget?

If yes, can DHS point to parts of those agencies' budgets that provide funding for research and development related to these projects?

If no, what will DHS do to mitigate the lack of critical research if other agencies or local researcher do not produce research that helps DHS achieve its national security goals?

How would closing these facilities and cutting or reducing funding for research of biological threats open the United States not lead to increased vulnerability to chemical terrorism events targeting our natural resources, farm commodities, and citizens?

Response: The strategic reductions in the Fiscal Year 2018 budget will allow the Science and Technology Directorate (S&T) to focus on the highest priority needs of the Administration and DHS. The budget proposes to close three laboratories, including NBACC, to maximize limited research and development (R&D) funds and avoid maintaining facilities that would be underutilized due to S&T's budget reduction. The budget continues to fund high-impact R&D for Administration and DHS priorities in border security, counterterrorism, explosives, cyber, and first responder/disaster resilience, while minimizing reductions to biodefense.

S&T assesses that capabilities at NBACC can be replicated on various levels at other facilities. This would require a higher degree of coordination across the various agencies or lab providers involved. S&T will maintain DHS's partnership with 13 Department of Energy national laboratories that are vital to the national homeland security mission. DHS will also seek to leverage technologies developed by the Department of Defense, which is heavily invested in chemical and biological detection and mitigation.

Question#:	6
Topic:	Chemical Attack Research
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: How will DHS mitigate or prevent the threat of chemical attacks without research and development facilities and funding, and without certain commitments from other agencies or local research facilities to assume responsibility for this or related research?

Response: The Fiscal Year 2018 President's budget request will allow the Science and Technology Directorate (S&T) to focus on the highest priority needs of the Administration and DHS. The budget proposes to close three laboratories, including the Chemical Security Analysis Center (CSAC), to maximize limited research and development (R&D) funds and avoid maintaining facilities that would be significantly underutilized at requested funding levels.

Although closing CSAC may impact DHS's ability to have direct scientific and research advice during a chemical incident, S&T assesses that capabilities at CSAC can be replicated at other facilities. S&T will maintain DHS's partnership with 13 Department of Energy national laboratories that are vital to the national homeland security mission. DHS will also seek to leverage technologies developed by the Department of Defense, which is heavily invested in chemical and biological detection and mitigation.

Question#:	7
Topic:	CBE Defense
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2018 DHS Budget eliminates CBE Defense spending, which provides funds for agricultural screening and surveillance technologies to monitor livestock welfare for the USDA, and first-responder and disaster resilience spending, which includes funding for the Foreign Animal Disease Vaccines, Disease, and Countermeasures project. The FDAVDC project allows USDA and other first responders in the agricultural community to develop and implement effective countermeasures against foreign, biological threats to livestock welfare. These technologies and research are essential to providing farmers in North Dakota with protection against foreign biological threats to their livestock herds, which are critical to the economy in North Dakota and nationally.

Did DHS consult with USDA or local research facilities, such as university extensions, regarding the impact of these cuts to agricultural threat prevention research?

If yes, are the USDA and/or local researchers willing to assume responsibility for the research, development, and security needs for livestock welfare that DHS abandons with its proposed budget cuts?

What is DHS planning to do to assure these groups assume full responsibility for the research previously conducted by DHS researchers, and what steps will DHS take to ensure the research meets DHS standards regarding the national security and public safety needs of the nation?

If no, what steps does DHS plan to take to work with USDA and/or local researchers to coordinate transitioning research in order to prevent or mitigate biological threats to livestock welfare?

Response: The Fiscal Year 2018 President's Budget request fully funds operations for the Plum Island Animal Disease Center (PIADC) for $49.5M. The US Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) executes federal funding for research in vaccines and livestock issues. DHS S&T defers to USDA APHIS on research priorities of federally funded research and development to take place at PIADC.

Question#:	8
Topic:	Livestock Protection Funds
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: What research indicates a low or non-existent threat to livestock that supports cutting funds for protecting livestock against foreign bio-threats?

Response: The US Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) executes federal funding for research in vaccines and livestock issues. DHS S&T defers to USDA APHIS on research priorities of federally funded research and development to take place at PIADC.

Question#:	9
Topic:	Law Enforcement Officer Reimbursement Program
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Your budget eliminates TSA's Law Enforcement Officer Reimbursement Program which helps to provide local law enforcement support at airport checkpoints - and in and around airports. I can tell you right now that this program has allowed the Fargo Police Department to provide officer support to the airport in Fargo - and if you eliminate this money there is a good chance that the Fargo police department will have to choose between not providing this support or doing so at the cost of potentially taking an officer off of the frontlines of addressing our rising drug crime, trafficking, and other issues that are impacting a metro area that is growing rapidly.

How does eliminating this program "protect the homeland"?

Response: In cooperation with the Transportation Security Administration (TSA), airport operators and their state and local law enforcement partners play a critical role in maintaining security at airports across the country. Over the years, TSA has worked with and will continue to work with state and local law enforcement to develop capacity and relationships. Today, state and local law enforcement partners are better equipped than they have ever been before to meet emergent threats.

Additionally, all airports are required to have an approved Airport Security Program (ASP), developed in concert with the local airport authority, and once completed, is subject to TSA inspection for airport operator compliance. As a result of that process, TSA works and will continue to work with the airport to ensure that law enforcement personnel are available and committed to respond to a security incident within a set period of time.

Question: How do you expect cooperation with state and local law enforcement when this cut tells me – and tells them – this is important, but you'll have to go it alone?

Response: DHS recognizes the value of this program, along with many others that work to protect the safety and security of the traveling public. DHS is also obligated to holistically review programs and functions that enhance homeland security and weigh the contributions of each. DHS considers many variables when reviewing programs to ensure they take into account the President's vision and national budgetary priorities.

Question: If state and local law enforcement are no longer able to provide this perimeter and interior law enforcement presence at airports throughout the country, what is the Department's plan to cover this serious security gap?

Question#:	9
Topic:	Law Enforcement Officer Reimbursement Program
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Response: Each airport operator will still be responsible for complying with minimum security requirements set forth in their Airport Security Program, including a law enforcement presence and capability at the airport that is adequate to ensure the safety of passengers. TSA will continue to work with these airport operators in order to ensure that such requirements are maintained in an efficient manner.

Question#:	10
Topic:	Northern Border Security
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: There is a glaring lack of mention of the northern border in this proposed budget. How does this budget improve northern border security? With regards to staffing? Technology?

Response: CBP's proposed budget encompasses all of the nation's borders at and between the ports of entry without regard to whether they are northern or southern borders, or whether it is an air, land, or sea environment. CBP is responsible for managing the flow of lawful trade and travel through our 328 air, land, and maritime ports of entry. CBP also manages more than 6,000 miles of land border and more than 12,000 miles of coastline border, and prevents the illegal movement of people and contraband crossing U.S. airspace. CBP must always consider a complex set of threats, risks, and challenges in protecting this nation's borders.

The Fiscal Year 2018 requested budget focuses on the operation and sustainment of the Northern Border Remote Video Surveillance System (NB-RVSS) and the Maritime Detection Project (MDP). NB-RVSS consists of 13 operational sites (St. Clair River) in Detroit Sector and (5) five operational sites (southern Niagara River) in Buffalo Sector. NB-RVSS is expanding to up to four additional sites on the St. Lawrence Seaway in Swanton Sector. The Swanton Expansion was funded by prior year funding. The Maritime Detection Project has a deployed operational site in Detroit Sector (Lake St. Clair) and two sites in Buffalo Sector (eastern Lake Erie). MDP is funded to deploy two additional sites, one in Detroit Sector and one in Buffalo Sector, both are on Lake Erie. Deployment to the two additional sites was funded by prior year funding. No new Northern Border technology deployments are requested in Fiscal Year2018.

As of June 10, 2017, 95 percent of the authorized CBP officer positions on the Northern Border were filled. However, there are key ports and stations, especially in Maine, Minnesota, Montana, North Dakota, and Vermont that have faced staffing challenges. Recruitment incentives have been approved for the following Northern Border locations: Jackman/Coburn Gore and Houlton, Maine; Grand Portage, Minnesota; Sweetgrass and Raymond, Montana; Massena, New York; Pembina and Portal, North Dakota; Beecher Falls and Norton, Vermont, and Oroville, Washington. Relocation incentives can technically be used anywhere but have primarily been used for Northern Border hard-to-fill locations.

Overall traffic across the Northern Border from Fiscal Year 2011 through Fiscal Year 2016 has fallen by -8.6 percent. Personally Owned Vehicles (POV) have dropped by -11.7 percent while commercially owned vehicles (COV) have increased 8.4 percent.

Question#:	10
Topic:	Northern Border Security
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Change in Vehicle Volume, FY 2011 to FY 2016			
	POV	COV	TOTAL
Northern Border	-11.7%	8.4%	-8.6%
United States	11.5%	14.3%	11.8%

Additionally and consistent with CBP's Vision and Strategy 2020[1], OFO requires agility, flexibility, and adaptability across its operational environment. This means enhancing integration across our data, processes, and technology. While CBP utilizes inspection and detection technology, specifically Non-Intrusive Inspection (NII) systems and Radiation Detection Equipment (RDE), we are working to address two gaps to address these requirements: (1) stand-alone technology and (2) lack of data-networking and integration with the CBP network and CBP enforcement systems. Through continued investment, CBP and DHS partners, including the Domestic Nuclear Detection Office (DNDO) and the Science and Technology Directorate (S&T), current focus for NII systems and RDE is to evaluate, acquire, deploy, and maintain technology with enhanced capabilities or integration aspects that increase effectiveness, decrease processing time, and provide the ability to redirect manpower to other mission areas or examine a greater portion of conveyances where feasible while facilitating trade and travel. Three key on-going efforts to support this focus include (1) CBP & S&T evaluating the use of drive-through NII systems to increase NII examinations of personally owned and commercial vehicles on the Southwest Border; (2) CBP and S&T working to establish one common user interface that has a secure capability to transfer data from multiple large-scale NII systems to a common viewer workstation, while allowing images and data from multiple systems to be viewed on a standardized software platform, and capture data from multiple vendors/ types of image into a standard file format; and (3) equip select radiation portal monitor (RPM) lanes with a remote operation capability allowing local ports to employ remote operations concepts where and when feasible. Collectively, these projects and other ongoing initiatives, will ultimately reduce operational burdens, increase efficiencies, and support the inspection and detection technology goal of redirecting resources or increase exam/scanning rates as feasible.

In addition, CBP works closely with DHS Office of Policy to help ensure the Department is maximizing the benefits of its coordination efforts with northern border partners through interagency forums, documented agreements, and its resource planning process. CBP worked with DHS Office of Policy to develop the Northern Border Threat Analysis

[1] U.S. Customs and Border Protection. Vision and Strategy 2020 U.S. Customs and Border Protection Strategic Plan. CBP Publication 0215-0315. Published April 8, 2015.

Question#:	10
Topic:	Northern Border Security
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

that responds to the reporting requirements set forth in the Northern Border Security Review Act (P.L. 114-267). CBP will work closely with DHS Office of Policy to utilize that report to update the *DHS Northern Border Strategy*. Per the Department's standard business processes, a formal gap analysis will be derived from defined metrics and anticipated outcomes. Through the process of updating the *DHS Northern Border Strategy*, writing an implementation plan, and initiating the Department's JRIMS process, DHS will address key gaps in our capabilities and thereby help make the northern border more secure.

Question#:	11
Topic:	Land Port Staffing
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: The Ports of Entry seem to be largely ignored in this budget in favor of funding border security between the ports. Our land ports are the primary smuggling route used to traffic narcotics into the U.S. and many ports experience lengthy delays in commercial traffic because of strains on personnel and other inspection resources. Research has shown that reducing wait times at these ports could generate thousands of jobs and millions of added dollars to the U.S. GDP. What is reasoning behind not providing adequate funding to address these issues?

Response: The Fiscal Year 2018 budget provides funding to sustain and strengthen DHS' most critical programs and capabilities in each of its mission areas – securing and managing borders, enforcing and administering immigration laws, preventing terrorism and enhancing security, safeguarding and securing cyberspace, and strengthening national preparedness and resilience. To assertively implement the policies of the President's Executive Orders, Border Security and Immigration Enforcement Improvements, Executive Order No. 13767 (January 25, 2017), Enhancing Public Safety in the Interior of the United States, Executive Order No. 13768 (January 30, 2017), and Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking, Executive Order No. 13773 (February 14, 2017), the Fiscal Year 2018 President's budget makes significant, critical investments in people, technology, and infrastructure for border security and enforcement of immigration laws, while ensuring that DHS's other operations are sufficiently funded.

Because the vast majority of activity at the POEs is required by statute and not discretionary activity that could be scaled back or stopped, CBP has ensured there is sufficient funding to maintain services at the POEs. CBP has proposed investing additional resources into the National Targeting Center (NTC) and in the NII program in the Fiscal Year 2018 President's Budget, both of which will directly impact work at the Ports of Entry.

The NTC in both the traveler and cargo environments provide technical efficiencies, automation, advanced vetting and risk segmentation, which increases national security and results in reduced workload at POEs. The NTC is a 24x7 operation with the centralized mission of preventing dangerous and unlawful travelers and goods from entering and exiting the country by effectively screening, reviewing, identifying, and segmenting low and high-risk passengers and cargo across all international modes of transportation, inbound and outbound. The NTC carefully identifies, targets, and coordinates examination of the small percentage of shipments and travelers that may be connected to terrorism or other transnational crimes, such as narcotics smuggling, human

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trafficking, merchandise counterfeiting, and money laundering. The NTC supports and responds to inquiries from the POEs and other law enforcement entities and conducts tactical targeting to identify actionable targets.

The NII program equipment allows for passive radiation scanning and x-ray/gamma-ray imaging of cargo and conveyances by land, sea, and air POEs to identify terrorist weapons and other contraband. CBP officers and agents utilize a variety of Large-Scale (LS) and Small-Scale (SS) NII systems and RDE to inspect sea containers, rail cars, trucks, automobiles, pallets, and various packages and parcels thoroughly and quickly for the presence of contraband and illicit radiological materials. These systems are viewed as force multipliers and address the mission need to effectively inspect arrival conveyances at the Nation's borders without impact to legitimate trade or travel. NII systems and RDE provide a $1 billion annual cost avoidance in CBP operations and $5.8 billion to $17.5 billion savings per year to industry in avoided costs due to delays. The average NII system examination of a cargo container takes approximately 8 minutes, while a physical inspection takes, on average, 2 hours.

Question#:	12
Topic:	Future Cybersecurity Workforce
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Across the nation, there is a growing cybersecurity workforce shortage, and it is critical that DHS make appropriate investments to develop and grow its cybersecurity workforce. Part of this strategy must include investments in cybersecurity education efforts that engage and educate industry partners, K-12 students, teachers, counselors, and post-secondary institutions. What steps has DHS taken to help foster and prepare our future cybersecurity workforce?

Response: Since 2004, DHS has invested in cybersecurity education programs for the nation, beginning with partnerships with the National Security Agency (NSA) and the National Science Foundation. Through these partnerships, DHS co-sponsors the CyberCorps®: Scholarship for Service (SFS) program and the National Centers of Academic Excellence (CAE) in Cyber Defense Education. Over 200 colleges and universities in 45 States, the District of Columbia (DC), and Puerto Rico have CAE designation and are producing thousands of graduates, capable of filling the cybersecurity jobs of today and tomorrow. DHS also provides approximately $300,000 each year to support annual SFS job fairs, enabling over 500 students each year to find cybersecurity internships and full time jobs in the government (federal, state, local, and tribal).

Since 2012, DHS has also invested in the integration of cybersecurity concepts into middle and high school curricula through the Cybersecurity Education and Training Assistance Program (CETAP) grant. The grant supports the creation and continuous development of multiple curricula, all of which are available for free to K-12 teachers throughout the United States. At present, over 5000 teachers in all 50 States, DC, and two territories, have downloaded the curricula. DHS estimates that approximately 1.2 million U.S. students have been affected since the program began.

DHS, along with the Department of Defense and the National Institute of Standards and Technology, co-authored the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800-181), which categorizes and defines cybersecurity roles, specialties, and knowledge, skills, and abilities. The NICE Framework forms a common lexicon to describe cybersecurity careers and skills, thus aiding schools that teach cybersecurity and employers who will be hiring their graduates. DHS facilitates the understanding, adoption, and implementation of the NICE Framework through the DHS Cybersecurity Workforce Development Toolkit, a free resource available to the public. DHS also provides a free cybersecurity training catalog, listing thousands of cybersecurity courses available throughout the United States. All courses are mapped to the NICE Framework. These and other free

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Primary:	The Honorable Heidi Heitkamp
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resources are available through the National Initiative for Cybersecurity Careers and Studies cybersecurity education and workforce portal.

DHS also delivers free cybersecurity training to government (federal, state, local, tribal, and territorial) employees through the Federal Virtual Training Environment (FedVTE), an online, on-demand learning management portal. In 2015, DHS extended free access to U.S. veterans, regardless of their employment status. FedVTE is a scalable solution, with over 170,000 users as of June 6, 2017 and over 5000 new users being added each month.

Question: What steps can Congress take to help DHS attain a healthy cybersecurity workforce?

Response: The President has put forward a Fiscal Year 2018 budget request that provides funding for the Department of Homeland Security (DHS) Office of Chief Human Capital Office (OCHO) for the Cyber Statutory Authority Program, which was created to design and implement a new excepted service personnel system, as authorized by the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113-227).

Additionally, the budget request for DHS's National Protection and Programs Directorate (NPPD), which fulfills the DHS's cybersecurity and infrastructure protection mission, includes funding to improve retention of cybersecurity employees. NPPD offers eligible cybersecurity positions a retention incentive in order to retain employees designated as part of the cybersecurity workforce. In the absence of such an incentive, these cyber-skilled employees would likely leave Federal service. DHS appreciates Congress's continued support in order to attract and retain top cybersecurity talent. The Department is in the process of implementing the authority provided by the Border Patrol Agent Pay Reform Act of 2014 and stands ready to work with Congress on any future efforts to enhance the cybersecurity workforce.

Question#:	13
Topic:	Worker Visas
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

Question: Worker Visas. During the hearing on 6 June 2017, you responded to a question I asked regarding certain types of work visas by stating that "in the current Administration this is all about American jobs versus people that come in and do the work" – seemingly misunderstanding the intricacies of the various work visas or in the alternative expressing the Administration's view that in those circumstances where a business has sought unsuccessfully to fill positions with American workers that they should potentially be forced out of business as opposed to filling those positions with foreign workers who pay state and local taxes, boost the economy through purchasing local goods and services, and keep American small businesses viable. Since the beginning of this Administration, my Washington and state offices have been overwhelmed with calls from hospitals and doctors, small business owners, farmers, and other ag interests relaying massive concerns about the pace in getting visa approvals for doctors under H-1B, seasonal workers under H-2B, and ag workers under H-2A. I have beekeepers saying they are in danger of not having enough workers to meet their orders, seasonal businesses that have said they may have to shut down entirely, and doctors left in limbo who may now not end up serving the people of my state. Your FY18 budget appears to ignore the issue of processing these applications in an efficient and timely manner. Given that this is a responsibility of DHS and these are programs authorized in law it is your job to properly manage these programs, therefore:

How long do you think people should have to wait to get clarity on these visas?

Response: On June 26, the U.S. Citizenship and Immigration Services (USCIS) resumed premium processing for all H-1B petitions filed for medical doctors under the Conrad 30 Waiver program, as well as interested government agency waivers. July 24, USCIS resumed premium processing for petitions that may be exempt from the cap where the H-1B petition is: an institution of higher education; a nonprofit related to or affiliated with an intuition of higher education; or a nonprofit research or governmental research organization. A premium processing request is typically adjudicated within 15 days (assuming no security or other complex substantive issues are present, and that there is no need to obtain additional evidence from the employer). This processing time should provide clarity and alleviate concerns of affected hospitals and doctors.

It should also be noted that while premium processing is temporarily unavailable for certain petitions, petitioners have the option to submit an expedited request. H-1B petitioners may submit a request to expedite an H-1B petition if they meet the criteria posted on the USCIS website at: www.uscis.gov/forms/expedite-criteria.

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In regard to H-2A agricultural and H-2B non-agricultural temporary worker petitions, USCIS understands the time-sensitive nature of this work and makes every effort to provide timely adjudication in accordance with regulation. USCIS provides premium processing service to H-2B temporary non-agricultural worker petitioners, by which they may pay an additional fee to ensure an adjudicative action is taken on their petition within 15 days of its receipt. This service is widely utilized by H-2B petitioners. However, in certain cases, it may be necessary to request further evidence from petitioners in order to determine whether their petitions are approvable under existing law, which will extend the timeframe for issuing a decision. H-2B petitions that do not utilize the premium processing service are typically adjudicated within 30 days.

The adjudication of H-2A petitions, has been centralized at the USCIS California Service Center and all H-2A petitions have become prioritized for expedited processing since 2007. USCIS instituted this practice to provide agricultural employers with an orderly and timely flow of workers, without requiring payment of additional fees for an expedited decision, while striving for consistency in the adjudicative process. USCIS adjudicates these petitions as quickly as possible in a way that is consistent with the law. On average, H-2A petitions are processed by USCIS within two weeks. This timeframe is within the 15-day premium processing guideline provided to other visa classifications. In certain cases, it may be necessary to request further evidence from petitioners in order to determine whether their petitions are approvable under existing law, extending the time frame for adjudication.

Additionally, in 2016, USCIS instituted two processing improvements intended to streamline the H-2A petition process and be more responsive to employers' needs. This included collaboration with Department of State on the electronic sharing of information on approved H-2A petitions and allowing expanded use of pre-paid mailers exclusive to H-2A petitioners.

USCIS regularly monitors the Form I-129 processing times and will adjust its resources accordingly. Adjudication of H-2A and H-2B petitions are currently within our stated processing times.

Additionally, on July 19, 2017, the Departments of Homeland Security and Labor published a final rule increasing the numerical limitation on H-2B nonimmigrant visas by up to 15,000 through the end of Fiscal Year 2017 in response to section 543 of Div. F of the Consolidated Appropriations Act, 2017, Public Law 115-31 (Fiscal Year 2017 Omnibus). This is a one-time increase based on a time-limited statutory authority: it does not affect the H-2B program in future fiscal years. These visas are available only to

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Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Heidi Heitkamp
Committee:	HOMELAND SECURITY (SENATE)

American businesses which attest that they will likely suffer irreparable harm without the ability to employ all the H-2B workers requested in their petition.

Question: What do you think is a proper timeframe for you to deliver them an answer?

Response: All petitions are adjudicated on a case-by-case basis by an officer, after a thorough review and application of relevant laws, policies and regulations. USCIS seeks to process petitions as quickly as possible. However, certain factual circumstances require additional time to assess the petitioner's eligibility for a requested benefit, and an officer may request additional evidence from an employer where necessary. As always, we remain mindful of these concerns as we continually work to ensure the efficient and timely processing of petitions and other immigration benefit requests.

As mentioned above, in recognition of the time-sensitive nature of agricultural work, USCIS expedites the adjudication of H-2A petitions. On average, H-2A petitions are processed within two weeks. This timeframe is within the 15-day premium processing guideline provided to other visa classifications.

As indicated above, most H-2B employers choose to utilize the premium processing service and are provided with an adjudicative action on their petition within 15 days. H-2B petitions that do not utilize the premium processing service are typically adjudicated within 30 days.

The current timeframes associated with these classifications appear to be reasonable and provide a sufficient amount of time for USCIS to ensure that all petitions are adjudicated in a fair and equitable manner as required by law and regulation.

Question: What is there in your budget to make this process more efficient and to clear any backlogs?

Response: USCIS built its Fiscal Year 2018 Immigration Examinations Fee Account (IEFA) Congressional Budget Justification at a level it believes is fiscally responsible given preliminary Fiscal Year 2018 application and petition fee collection projections, estimated carryover balances, and the reserve requirements that are needed to sustain operations. Throughout the remainder of Fiscal Year 2017, USCIS will refine its revenue estimates and projected costs to determine the level of additional requirements that can be funded in Fiscal Year 2018, including those that aim to improve processing times, reduce backlogs, and increase efficiency.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Steve Daines

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	14
Topic:	Acquisition Management
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Steve Daines
Committee:	HOMELAND SECURITY (SENATE)

Question: Thank you for testifying again. It was good to see you again and discuss your efforts to mitigate drug trafficking and domestic demand. At your last hearing, we discussed the dramatic drop, nearly 70%, in illegal southern border crossings under your first few months of leadership - this was accomplished by just broadcasting the US would enforce its laws.

As the horrific attacks in London remind us, the security of our homeland remains our top priority and challenge. I look forward to continue working together to get you the resources necessary to keep us safe.

The Departments' top level ask is a 6.8% increase in discretionary funding, much of this will go to the acquisition and deployment of new technologies. A recent GAO report reviewed DHS acquisition programs in FY16 and found cost overruns of nearly one billion dollars for the year, and schedule delays averaging of six months. We must be good stewards of taxpayer dollars and strengthen accountability without sacrificing security. Ranking Member McCaskill and I have been working on bi-partisan legislation that will accomplish this and address GAOs recommendations. How will DHS improve its acquisition management with proposed cuts for the Office of Under Secretary for Management, responsible for acquisition oversight?

Response: The Office of Program Accountability and Risk Management (PARM), which falls under the Office of the Under Secretary for Management (USM), will not be directly impacted by the proposed cuts to the USM's budget. Therefore, PARM will continue to execute its multifaceted mission of striving to continually improve the management and oversight of acquisition programs across the department.

Question#:	15
Topic:	Morale
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Steve Daines
Committee:	HOMELAND SECURITY (SENATE)

Question: We have discussed the morale challenges within DHS in the past. From your perspective, with four months on the job, how is the morale at DHS now? What are you doing to engage the workforce?

Response: Acting Secretary Elaine Duke has already conducted a series of listening tours around the country, sitting down with employees in small groups to hear about the challenges they face each day and how we can further help them do their jobs. In each location visited, the Department has let our employees know they are valued and valuable. And even more importantly, the Department is addressing their concerns at the local level, where many of the issues originate. By fixing those items that are broken, such a bureaucratic processes, the Department has found it can have an immediate positive impact.

One measure of morale in the Federal Government is OPM's Federal Employee Viewpoint Survey (FEVS). The Department is pleased to report that our Employment Engagement Index scores continue their upwards trajectory, rising 3 percent in 2015-2016, and 4 percent in 2016 to 2017, for a seven percent increase over the past two years. We continue to work with our Employee Engagement Steering Committee, which is chaired by the Under Secretary for Management, to formulate and implement component-level engagement action plans that address the feedback we receive from the FEVS.

We are also launching a "DHS Leadership Year," with monthly activities at the DHS and component levels aligned to quarterly themes. Leadership Year focuses on the importance of leadership excellence to the DHS mission and workforce morale. Activities include interviews with the Acting Secretary on leadership philosophies and expectations, tools to support supervisors in better managing performance and engagement, and initiatives such as video highlights and panels with both technical and supervisory leaders across the Department.

Question#:	16
Topic:	Hiring Times
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Steve Daines
Committee:	HOMELAND SECURITY (SENATE)

Question: Related to morale, has DHS improved the time it takes to hire employees? Do you have the authorities you need to continue attracting and hiring top talent?

Response: DHS has made significant progress in reducing time-to-hire. In Fiscal Year 2014, our time-to-hire averaged 166 days. By Fiscal Year 2015, it was 124 days, down 25 percent. Fiscal Year 2016 saw a further reduction to 111 days, down an additional 10 percent. We have achieved these improvements by developing innovative approaches to streamline human capital and security clearance processes, mainly through increased coordination, enhanced centralization, and expanded use of hiring flexibilities.

For example, we have held consolidated cyber, intern, recent graduate, and veteran hiring events with interviews and tentative job offers made "on-the-spot." We also found these joint events quite successful because we could share candidates among Components, increasing the number of hires at these events. We have also been improving processes for law enforcement officer hiring, with the creation of centralized hiring hubs that combine several background and fitness steps of the hiring process in one location. In addition, we've increased our education efforts, ensuring that hiring managers and human resources staff are well-versed in the full range of hiring flexibilities.

As part of our ongoing collaboration with OPM, we have obtained additional compensation and hiring flexibilities. To date, we have received direct hire authority for many of the mission critical occupations (MCOs) that we will need to implement the Executive Orders on Border Security and Interior Safety; authority to reduce barriers-to-entry for Border Patrol Agents, by moving Spanish language proficiency tests from the beginning of the hiring process to the end, allowing applicants to undergo training prior to being evaluated; as well as authority to reemploy federal retirees without a reduction in their salaries equal to their retired pay.

We have requested, and are anticipating, other authorities from OPM, including additional direct hire authority for support positions associated with implementing the E.O.s, and the ability to ask questions pertaining to financial and criminal history early on in the hiring process for specific law enforcement positions, and those requiring a security clearance. All of the authorities requested, if received, will help further reduce the Department's time-to-hire. We look forward to working with Congress to refine requests for additional authority to ensure we have the most effective tools available to fill MCOs.

Question#:	17
Topic:	TSA Delays
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Steve Daines
Committee:	HOMELAND SECURITY (SENATE)

Question: Air travel and tourism are of critical importance to Montana's connectivity and economy. Nearly two million passengers pass through TSA or contractor screening at Montana's airports every year. Last summer we all experienced TSA delays. Coming from a rural state, we generally have more expensive airfare and make more connections. I am concerned about raising any fees. If Congress does not authorize fee increases, how will DHS reallocate resources to maintain the safety of the traveling public and ensure passengers receive efficient services?

Response: The proposed Aviation Passenger Security Fee increase of one dollar, from $5.60 to $6.60 per one-way trip, is in line with overall airfare cost growth. We look forward to working with you and your colleagues on its successful enactment as the proposal will allow for DHS to better focus on its programs of critical importance.

The Department also proposes other initiatives to maintain the safety of the traveling public and ensure that passengers receive efficient services. For example, the budget proposes to cease exit lane staffing, allowing for TSA to devote its trained Transportation Security Officers (TSOs) to checkpoint screening duties. This proposal is equitable, treating all airports the same as the two-thirds of commercial airports that are already responsible for securing their exit lanes. It will also reduce TSA's reliance on appropriated funding and allow for its resources to be used for critical departmental priorities that protect our Nation's safety and security.

Question#:	18
Topic:	Private Property
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Steve Daines
Committee:	HOMELAND SECURITY (SENATE)

Question: Property rights are at the very foundation of our society. Pristine land is what draws people to Montana. We do not take eminent domain lightly in Montana. The budget request addresses some of the need for more physical infrastructure on our southern border, building 74 miles of wall and levee. How will you avoid taking private property involuntarily along these stretches?

Response: DHS only acquires real property that is necessary to meet the mission requirements.

Question: How will DHS leverage technology to secure the border within existing easements?

Response: Where deployed within existing easements, the wall is the backbone of an enforcement system in which the capabilities of impedance and denial (e.g., physical wall); domain awareness (e.g., technology components such as sensors and cameras that detect, identify, and classify attempted entries); and access and mobility (e.g., agents and road access). This system is engineered to, first and foremost, prevent and deter illegal entry, but also to ensure that anyone who attempts illegal entry is immediately detected and apprehended before they can breach the wall. In this respect, technology is a critical component that supports and protects the wall, provides for agent safety via situational awareness, and ensures operational success with regard to the operational objective articulated in Executive Order 13767.

Post-Hearing Questions for the Record
Submitted to the Honorable John F. Kelly
From Senator Kamala Harris

"The Department of Homeland Security Fiscal Year 2018 Budget Request"
June 6, 2017

Question#:	19
Topic:	ICE Agent Training
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: During your testimony on April 5, you stated that there was no need for additional training or guidance for ICE agents on the seven enforcement factors as "they're already highly trained individuals." On April 13, 2017, the DHS OIG published a report on ICE deportation operations and found that "ICE has not clearly and widely communicated DHS's deportation priorities...and not provided sufficient training."

Considering the conclusions on the DHS OIG, have you revised your earlier position that no additional training is needed related to enforcement priorities?

Please provide any further guidance or training materials that has been issued to carry out the new enforcement priorities provided in the February 20th memo.

Response: The U.S. Department of Homeland Security's (DHS) Office of Inspector General's (OIG) Report (OIG-17-51), entitled *ICE Deportation Operations*, reviewed the Obama Administration's immigration enforcement priorities from June 2016 to October 2016. The aforementioned OIG report is based on an investigation that took place approximately 4 months prior to my February 2017 announcement of the new immigration priorities. The OIG report recommends, among other things, that U.S. Immigration and Customs Enforcement (ICE) improve how it communicates changes in enforcement priorities for deportation to the field offices.

ICE concurred with all five recommendations outlined in the OIG Report, and has initiated corrective actions accordingly. DHS immigration enforcement priorities were and continue to be communicated through numerous training efforts:

(1) The ICE Office of Training and Tactical Programs provides standardized training to all future Deportation Officers (DO) through the Basic Immigration Enforcement

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Topic:	ICE Agent Training
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Primary:	The Honorable Kamala D. Harris
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Training Program (BIETP), which includes instruction on DHS immigration enforcement priorities.

(2) The ICE Enforcement and Removal Operations (ERO) Case Management Training (CMT) program is mandatory for all Immigration Enforcement Agents (IEAs) who have recently been upgraded to the DO position and for DOs who have attended a course substantially equivalent to the BIETP. CMT provides the training required for those transitioning from the IEA role to a DO position. CMT provides comprehensive instruction that includes docket-related duties, such as docket review, detained and non-detained case management, etc. CMT classes began in the latter part of 2016. ERO intends to have a 70 percent of IEAs upgraded to DOs by December 2017, and 100 percent upgraded by March 2018.

(3) ICE law enforcement officers are also notified of policy changes, including the Executive Orders issued by President Trump and implementation memoranda issued, via broadcast email messages from agency and department leadership. These broadcast messages include hyperlinks to the Executive Orders and implementation memoranda that are posted to either public websites or internal agency intranet sites.

(4) ICE ERO is working with the ICE Office of Human Capital and the Office of the Principal Legal Advisor to negotiate an ICE ERO On-the-Job Training (OJT) program in collaboration with the American Federation of Government Employees National ICE Council. OJT will be a key training component for recent basic academy graduates reporting to their field duty assignment. OJT will also serve as a recurrent refresher for several ERO specific skillsets, including those related to docket review, detained casework, and non-detained casework. ICE is currently working with the Department's Office of Policy and other programs to examine current ICE policies and guidance to ensure their alignment with the President's recent Executive Orders and the vision and plans for implementing those orders.

Question#:	20
Topic:	ICE Detention Facilities
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: The President's budget proposes nearly $1.5 billion in new spending to increase the average daily population of ICE detention facilities to 51,379. Given that border apprehensions are at historic lows, please provide any modeling or assessment justifying such as massive increase in detention beds.

The budget also seeks to change its facility performance requirements to detention standards and inspections for certain detention facilities by moving away from the Performance Based National Detention Standards (PBNDS) recommended by the Homeland Security Advisory Council, and instead using the standards used by the U.S. Marshall Service and Bureau of Prisons.

Please explain the rationale for this decision, including any consideration of using standards employed for criminal detention to a civil detention system?

Please provide a list of any contracts that have been awarded or consultants being employed to carry out this change.

Please provide a timeline for implementation.

Is ICE considering changing the PBNDS standards for other categories of facilities?

Response: The number of beds needed to support current U.S. Immigration and Customs Enforcement (ICE) interior enforcement 34 percent higher in Fiscal Year 2017 compared to Fiscal Year 2016 (20,959 vs. 15,596); this upward trend is expected to continue into Fiscal Year 2018. Additionally, ICE's augmented interior enforcement efforts are underway, and initiatives such as increased Criminal Alien Program arrests are expected to necessitate additional bed space.

In anticipation of any future changes in migration levels, ICE requires additional bed space in order to be prepared for enforcement efforts by other agencies, including a potential increase in the issuance of charging documents by U.S. Citizenship and Immigration Services.

ICE's dedicated facilities, which include government-owned Service Processing Centers, Contract Detention Facilities, and dedicated Inter-governmental Service Agreement (IGSA) facilities, are currently covered by the Performance Based National Detention Standards (PBNDS) 2011. ICE will require all new and existing dedicated facilities to comply with these standards.

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Topic:	ICE Detention Facilities
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

The remainder of ICE's adult detention facilities are non-dedicated IGSAs and U.S. Marshals Service intergovernmental agreement facilities, where ICE makes up a subset of the detained population. These facilities currently utilize a combination of the National Detention Standards (NDS) 2000, PBNDS 2008, and PBNDS 2011, as appropriate. Of note, ICE is updating and streamlining the NDS for non-dedicated facilities, limiting the standards to areas of importance to ICE, while maintaining a model for safety and security.

ICE has not awarded any contracts or hired any consultants for this project of updating and streamlining the NDS. Further, ICE anticipates this revision of the NDS will be completed and ready for use by the end of Fiscal Year 2017.

Question#:	21
Topic:	14 HSAC Recommendations
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: What is the status of the 14 number of recommendations made by Homeland Security Advisory Committee? Have any of these recommendations been adopted?

Response: Of the 14 Homeland Security Advisory Committee recommendations which cover issues related to detention facility usage, changes and/or improvement to oversight, and applicability of detention standard and the expansion of U.S. Immigration and Customs Enforcement (ICE) Health Service Corps provided care, ICE is in either full or partial agreement with most of them. Many of the recommendations are currently under consideration as part of the agency's ongoing effort to revamp oversight and increase cooperation with local government agencies, while others require additional funding or are not actively being pursued at this time.

Question#:	22
Topic:	Workforce Modeling
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: Your budget proposes funding for 1,000 new ICE agents and 500 new border patrol agents, please provide any workforce modeling used to arrive at these numbers.

Response: Executive Order 13768 called for the hiring of an additional 10,000 law enforcement officers (LEO) at U.S. Immigration and Customs Enforcement (ICE). ICE utilized its Workload Staffing Model (WSM) to define the agency's staffing requirement and demonstrate ICE's resource needs for 10,000 immigration officers. The WSM is a staffing tool used to determine staffing requirements based on workload hours, workload activities, and frontline staffing levels. The WSM utilizes operational, personnel, and financial data for the analysis. Assumptions made as part of the analysis included an increased detention population, U.S. Customs and Border Protection (CBP) hiring, at-large arrests foregone when detainer requests are not honored, and the at-large criminal alien population on the Southwest Border. Based on the current operational data and these additional inputs, it was determined ICE requires 10,000 additional officers. The Fiscal Year 2018 budget request includes funding for the first 10 percent of law enforcement hiring for ICE (*i.e.* 1,000 officers). Please see the methodology in the chart below.

For CBP, given the available resources for recruitment and hiring, we believe reaching our near-term goal of 500 additional border patrol agents can be achieved by the end of Fiscal Year 2018. The U.S. Border Patrol is continuing to refine its staffing methodology to determine its requirements to conduct border enforcement operations.

Question#:	22
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Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Office	FTE	Scenario	Definition
ERO Frontline	1,837	Baseline Increase	*Reflects the increase required across all FODs to achieve full FTE*
	1,018	ADP* Increase	*Reflects additional FTE required to increase average detention population (ADP) to 51,000*
	434	CBP Increase	*Reflects the ERO number of FTE required to support a 5,000 CBP-USBP FTE increase*
	60	Detainer Non-Compliance Increase	*Reflects the increased number of FTE required to conduct at-large arrests when detainer requests are denied by sanctuary cities.*
	5,151	SWB FugOps Increase	*Reflects the increase number of frontline officers required to arrest an estimated 236K at-large criminal aliens on the Southwest Border (SWB)**. NOTE: WSM calculation for SWB FugOps is 7,120, however this value is capped to limit the ERO Frontline FTE total to 8,500.*
Total ERO Frontline	8,500		
ERO Support****	2,615		*A ratio of 0.308 was used to calculate support requirement*
Total	**11,115**	**ERO Total Increase**	
HSI Frontline	1,119	Baseline CONUS Increase	*Reflects the increase required across all SACs to achieve full FTE*
	295	Baseline OCONUS Increase	*Reflects the increase required across all international agents to achieve full FTE. NOTE: the WSM calculation for OCONUS FTE is 343, however this value is capped to limit the HSI Frontline FTE total to 1,500.*
	86	CBP Increase	*Reflects the HSI number of FTE required to support a 5,000 CBP-USBP FTE increase*
Total HSI Frontline	1,500		
HSI Support ****	993		*A ratio of 0.66 was used to calculate support requirement*
Total	**2,493**	**HSI Total Increase**	
OPLA***	354	Baseline Increase	*Reflects the increase required across OPLA to achieve full FTE*
	5	HSI Increase	*Reflects the ICE number of FTE required to support the 1,500 HSI FTE increase*
	174	CBP Increase	*Reflects the ICE number of FTE required to support a 5,000 CBP-USBP FTE increase*
	1,183	ERO Increase	*Reflects the ICE number of FTE required to support the 8,500 ERO FTE increase*
Total	**1,716**	**OPLA Total Increase**	
Mission Total	**15,324**	**Total Increase**	
OAQ	30		*0.001957713*
OAS	451		*0.029430953*
OCFO	196		*0.012790394*
OCIO	71		*0.004633255*
OPR	524		*0.034194727*
Total	**1,272**	**M&A Total Increase**	
Mission & M&A Total	**16,596**	**Total Increase**	

Assumptions

* The projected ADP increase is a high level assumption

** FY15 "Missed arrest workload" metric was provided by LESA, FY16 metrics could not be produced timely enough for this analysis

*** See supplemental OPLA Personnel Category Chart below

**** Assumes HSI and ERO FTE quoted do not include Mission Support Staff

Question#:	23
Topic:	UASI Grant
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY18 DHS budget makes significant cuts to grant programs, such as the Urban Area Initiative Area (UASI) grant, that help states and localities keep communities safe. You testified before the Senate Appropriations Committee on May 25 that you asked your staff to review every DHS grant program to evaluate their effectiveness and whether they should be continued.

Please provide a summary of these reviews, as well as any analysis that was used to support cuts to grant programs in the FY2018 DHS budget.

Response: Reductions to state and local grants are proposed in order to ensure adequate funding for core Department of Homeland Security missions and national priorities, encourage grant recipients share responsibility for the cost of preparedness activities in their own budgets, and fund those activities that demonstrate the greatest return on security investments. Reductions are consistent with the President's budget blue print priorities to stand prepared for emergency response and disaster recovery, eliminating funding for programs to ensure the federal government is not supplanting other stakeholders' responsibilities.

Preparedness is primarily the responsibility of state and local governments. Since 2002, the federal government has allocated over $47 billion in grants to support state and local preparedness investments. Those funds have been put to good use to greatly expand preparedness capabilities; however we have been unable to demonstrate the results of those investments. The federal government should now focus on ensuring that funding is directed to address any remaining capability gaps and national priorities. It is time for state and local governments to contribute more toward their own preparedness needs so the federal cost share can be reduced. Grantees will potentially need to reprioritize funding or funding amounts to address their highest priority national capability gaps and national capability gaps.

In order to identify priority investment needs, FEMA works with our state, local, tribal and territorial partners to assess their current capabilities as well as resource and training gaps.

FEMA requires states, territories, major urban areas, and tribes receiving Homeland Security Grant Program (HSGP) funds to review their Threat and Hazard Identification and Risk Assessment (THIRA), update as relevant annually and submit them to FEMA. THIRA provides a four-step adaptable process to assess risk. Using the guidance established in Comprehensive Preparedness Guide 201, Second Edition each jurisdiction

Question#:	23
Topic:	UASI Grant
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
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assesses its own risks and establishes specific capability targets for each of the 32 core capabilities to meet those risks.

Once each jurisdiction has determined capability targets through the THIRA process, states and territories assess current capability levels against those targets in the annual State Preparedness Report (SPR). The outputs from the THIRA and SPR provide an accounting of current capability levels and descriptions of potential shortfalls for each core capability in the areas of planning, organization, equipment, training, and exercises. States and territories use this information to prioritize resources where they are needed most.

Grantees applying for State Homeland Security Program (SHSP) funding must describe in their investments justifications how projects funded by grant dollars will address their high priority capability gaps. Grantees, and FEMA, use the THIRA and SPR as a basis for measuring grantees' progress in closing shortfalls over time and gauging their ability to reach the level of preparedness described in their THIRA. Each year, FEMA reports on progress toward closing national capability gaps in the National Preparedness Report, which draws upon the THIRA, SPR, and other data sources.

Question: Were state and local stakeholders consulted in this decision, and if so, please provide a list of whom.

Response: As part of the Executive Branch, the proposed reductions or elimination of grants were publicly announced as part of the President's budget proposal and reflected in the Fiscal Year 2018 DHS budget proposal. The Department continuously evaluates, reprioritizes, and adjusts policy within state and local grant programs in order to ensure adequate funding for core Department of Homeland Security missions and national priorities, encourage grant recipients share responsibility for the cost of preparedness activities in their own budgets, and fund those activities that demonstrate the greatest return on security investments that focus on national priorities.

Question: How is DHS working with states and localities to help them prepare for a potential loss of funding?

Response: Beyond the $1.9 billion that the Department is requesting for grants to support homeland security officials, emergency managers, and first responders, FEMA and the Department will strive to ensure adequate funding for core Department of Homeland Security missions, encourage grant recipients share responsibility and support responders

Question#:	23
Topic:	UASI Grant
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
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through other direct support activities including, but not limited to, technical assistance, training, and exercises.

Question#:	24
Topic:	Inquiries from Democratic Lawmakers
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: The Justice Department's Office of Legal Counsel recently issued guidance that executive branch agencies have no legal obligation to respond to congressional requests for information from individual members, including ranking minority lawmakers. The guidance says: "[i]ndividual members of Congress, including ranking minority members, do not have the authority to conduct oversight in the absence of a specific delegation by a full house, committee, or subcommittee . . .They may request information from the Executive Branch, which may respond at its discretion, but such requests do not trigger any obligation to accommodate congressional needs and are not legally enforceable through a subpoena or contempt proceedings."

Have you or has anyone on your staff been asked or directed by the White House to limit responses, in any way, to requests or inquiries from Democratic lawmakers?

Response: No. The White House has neither asked, nor directed, the Department of Homeland Security to limit, in any way, a response to a request or an inquiry from a Democratic Member of Congress.

Question#:	25
Topic:	Status Requests
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: Below are several outstanding requests I have made to DHS which to date have not been answered. Please provide the status of each.

Responses to Questions for the Record from April 5, 2017 HSGAC hearing on "Improving Border Security and Public Safety."

Response to May 16 letter to Acting CBP Commissioner Kevin McAleenan regarding the use of polygraphs as part of the CBP hiring process.

Response to May 16 letter to Secretary Kelly regarding ICE plans to use private detention facilities.

Response: Each item is currently undergoing internal clearance to ensure they're accurate and full responses will be provided to you as soon as possible.

Question#:	26
Topic:	New DACA Guidance
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: In a June 15, 2017 press release announcing the discontinuation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), the DHS announced that "The June 15, 2012 memorandum that created the Deferred Action for Childhood Arrivals (DACA) program will remain in effect." The White House later clarified that "no final determination has been made" regarding DACA.

Since January 20, 2017, have any new policies or guidance related to DACA or DACA recipients been issued? If so, please provide any such documents.

Response: USCIS has not issued new substantive formal policy guidance related to the DACA process since January 20, 2017.

Question: Have DACA Standard Operating Procedures changed since January 20, 2017? If so, please describe such changes and provide any related documentation.

Response: DACA standard operating procedures have not changed. USCIS continues to accept and process requests for deferred action under DACA under the existing DACA guidelines.

Question: During Secretary Kelly's January 10, 2017 confirmation hearing, I asked whether DHS would continue its policy of not using information submitted to DHS as part of a DACA application for enforcement purposes except under certain circumstances. Is this policy still in effect?

Response: This policy is still in effect in accordance with the instructions on Form I-821D and the Frequently Asked Question #19 found on the USCIS website:

"Q19: Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?
A19: Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy

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covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter."

Question#:	27
Topic:	DACA Recipients in DHS Custody
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide the number of current or former DACA recipients, who are in DHS custody broken down by detention facility.

Please provide the number, for each immigration court, of current or former DACA recipients who have been put into removal proceedings between January 20, 2017 and the date of your response to these questions?

Response: Attached is a chart showing the total number of current or former Deferred Action for Childhood Arrivals (DACA) recipients in U.S. Immigration and Customs Enforcement (ICE) detention, broken down by detention facility, as of June 24, 2017. ICE defers to the U.S. Department of Justice Executive Office for Immigration Review regarding questions related to removal proceedings in immigration courts.

Additionally, ICE notes that DACA is an exercise of prosecutorial discretion for a temporary period and may be terminated at any time by the U.S. Department of Homeland Security (DHS), with or without a Notice of Intent to Terminate. As the June 15, 2012 DACA memorandum specifically advises, "[t]his memorandum confers no substantive right, immigration status, or pathway to citizenship. Only Congress, acting through its legislative authority, can confer these rights."

My February 20, 2017 memorandum entitled, *Enforcement of the Immigration Laws to Serve the National Interest*, guides DHS's immigration enforcement policies and operations and keeps the tenets of DACA in place. However, DACA recipients who are enforcement priorities may be subject to enforcement action, which has been the case since the inception of the policy.

Current or Former Deferred Action for Childhood Arrivals (DACA) Recipients in U.S. Immigration and Customs Enforcement (ICE) Detention as of June 24, 2017	
Detention Facility	Current or Former DACA Recipients
Total	462
ABRAXAS ACADEMY DETENTION CENTER	1
ADELANTO DETENTION FACILITY	27
ALBANY COUNTY JAIL	1
ATLANTA PRETRIAL DETN CTR	4
BAKER COUNTY SHERIFF DEPT.	6
BERGEN COUNTY JAIL	2
BOONE COUNTY JAIL	2
BRISTOL CNTY NDARTMOUTH	1
BROWARD TRANSITIONAL CENTER	2
BUTLER COUNTY JAIL	2
CACHE CO. JAIL	1
CALHOUN CO., BATTLE CR,MI	5
CCA NORTHEAST OH CORRECTS	4
CCA, FLORENCE CORRECTIONAL CENTER	6
CHARLESTON COUNTY CORRECT	1
CHASE COUNTY JAIL	2
CHIPPEWA CO., SSM	3
CONTRA COSTA CO JAIL/WEST	4
DEKALB COUNTY DETENTION CENTER	2
DENVER CONTRACT DET. FAC.	13
DODGE COUNTY JAIL, JUNEAU	5
DOUGLAS COUNTY CORRECTION	3
EL PASO SPC	3
ELIZABETH CONTRACT D.F.	6
ELOY FEDERAL CONTRACT FAC	44
ESSEX COUNTY JAIL	6
ETOWAH COUNTY JAIL (AL)	2
FOLKSTON PROCESSING CTR/DR JAMES	3
FREDERICK COUNTY DET. CEN	1
FREEBORN COUNTY JAIL, MN	2
GLADES COUNTY DETENTION CENTER	12
HALL COUNTY SHERIFF	4
HARDIN CO JAIL	2
HENDERSON DETENTION	5
HOUSTON CONTRACT DET.FAC.	13
HOWARD COUNTY DET CNTR	1
HUDSON COUNTY JAIL	6
ICA - FARMVILLE	15
IMPERIAL REGIONAL ADULT DET FAC	1

IRWIN COUNTY DETENTION CENTER	12
JENA/LASALLE DETENTION FACILITY	10
JOHNSON COUNTY JAIL	12
KANKAKEE COUNTY JAIL	2
KARNES CTY CORR CTR	1
KROME NORTH SPC	8
LAREDO PROCESSING CENTER	2
MARSHALL COUNTY JAIL	2
MCHENRY COUNTY SHERIFF'S	7
MESA VERDE CCF	6
MONROE COUNTY DETENTION-DORM	1
MONROE COUNTY JAIL	2
MONTGOMERY COUNTY JAIL	6
MORGAN COUNTY SHERIFF'S DEPT	1
MORROW CO. CORRECTIONAL FACILITY	1
NEVADA SOUTHERN DETENTION CENTER	5
NORTHWEST DET. CENTER	21
ORANGE COUNTY JAIL	2
OTAY MESA DETENTION CENTER	10
OTERO CO PROCESSING CENTER	3
PENNINGTON COUNTY JAIL SD	1
PHOENIX DIST OFFICE	1
PIKE COUNTY JAIL	2
PINE PRAIRIE CORRECTIONAL CENTER	3
PLATTE COUNTY JAIL	1
PLYMOUTH COUNTY H.O.C.	2
POLK COUNTY JAIL	4
PORT ISABEL SPC	3
POTTAWATTAMIE COUNTY JAIL	2
PRAIRIELAND DETENTION CENTER	11
PULASKI COUNTY JAIL	8
RIO COSUMNES CORRECTIONS-RCCC	5
RIO GRANDE DETENTION CENTER	1
SENECA COUNTY JAIL	1
SHERBURNE COUNTY JAIL	7
SOUTH TEXAS DETENTION COMPLEX	9
STEWART DETENTION CENTER	37
STRAFFORD CO. CORRECTION	1
SUFFOLK HOC SBAY	1
THEO LACY FACILITY	10
TULSA COUNTY JAIL	5
VIRGINIA PENINSULA REG. JAIL	1
WAKULLA COUNTY JAIL	1
WORCESTER CO. JAIL	2

YORK COUNTY JAIL, PA	2
YUBA COUNTY JAIL	4

Note: This chart is based on data provided by U.S. Citizenship and Immigration Services as of July 7, 2017, as reported for the ICE Currently Detained Population as of June 24, 2017.

Question#:	28
Topic:	Encounters with DACA Recipients
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: What guidance has been issued to ICE and CBP officers concerning encounters with DACA recipients?

Response: Secretary John Kelly's February 20, 2017 memorandum, *Enforcement of the Immigration Laws to Serve the National Interest* states that the June 15, 2012 memorandum entitled *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* remains in full effect. CBP issued guidance in June 2012 and again in June 2017, advising officers to generally continue to exercise discretion with respect to those individuals who currently have deferred action under DACA, absent derogatory information. Officers were also advised that individuals who have been provided deferred action under DACA require advanced parole to travel and seek entry at a port of entry.

Question#:	29
Topic:	Advance Paroles
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: How many DACA recipients have applied for, and how many have been granted, advance paroles this year (please break down by month)? How many of these recipients who traveled abroad were denied reentry into the United States, and for what reasons?

Response: This data represents advance parole receipts and approvals for DACA recipients in fiscal year 2017. Approvals for cases in Fiscal Year 2017 have been provided regardless of when the case was received.

U.S. Citizenship & Immigration Services
Form I-131, Application for Travel Document
Receipts and Approvals
Advance Parole for DACA Recipients
Fiscal Year 2017 (10/01/2017-06/28/2017)

Month	Receipts	Approvals
October	2,022	1,398
November	2,111	1,253
December	2,589	1,167
January	743	1,357
February	443	1,393
March	565	2,091
April	708	1,745
May	945	1,365
June	785	444
Grand Total	**10,911**	**12,213**

Please note:
1) The report reflects the most up-to-date data available at the time the report is generated.
2) Not all Fiscal Year 2017 cases have been adjudicated yet.
3) The total approval column represents I-131 DACA Advance Parole cases approved in Fiscal Year 2017 regardless of the year in which they were received.

Database Queried: June 29, 2017

Question#:	29
Topic:	Advance Paroles
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Report Created: June 29, 2017
System: C3 Consolidated
By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), DL

Parameters
Date: 10/01/2016 - 06/28/2017
Form Number: I-131
Application Type: DACA Recipient Advance Parole
Data Type: Count of Receipts, Approvals

CBP does not keep a metric on the number of recipients who traveled abroad and were denied reentry into the United States.

Question#:	30
Topic:	ICE Detainers
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Kamala D. Harris
Committee:	HOMELAND SECURITY (SENATE)

Question: During your testimony on June 6, you stated that you were aware that a number of federal courts have imposed civil liability on local governments for complying with ICE detainer orders that were not supported by probable cause. You further stated that you "appreciate the fix" that this puts local jurisdictions in, and work with local law enforcement leaders to "to the degree that they can and are comfortable with."

What specific guidance has been provided to local law enforcement leaders who are concerned about civil liability issues related to ICE detainers?

How has DHS specifically addressed concerns raised by local law enforcement on this issue, as well as the underlying constitutional concerns around due process?

Response: To date, the Department of Homeland Security has not provided any specific guidance to local law enforcement leaders about civil liability issues relating to U.S. Immigration and Customs Enforcement (ICE) detainers. To ensure compliance with all applicable laws and to ensure state and local law enforcement may honor its detainers, ICE has implemented policies and procedures to ensure its detainers are supported by probable cause of removability and are accompanied by an administrative warrant. The Department also continues to engage with state and local law enforcement agencies regarding Immigration and Nationality Act section 287(g) agreements and other effective means of improving enforcement of the immigration laws and protecting public safety. The Department also continues to consult with the Department of Justice regarding federal and state detainer authorities and to represent the interests of the Federal government in related litigation.

Question: Please provide the stakeholders, including states, local law enforcement and jurisdictions that DHS consulted with on the proposal included in the President's FY18 budget to drastically expand 8 U.S.C 1373.

Response: The Department of Homeland Security did not specifically engage non-Federal stakeholders regarding that provision of the President's Fiscal Year 2018 budget.

○