AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

STRENGTHENING THE SAFETY AND SECURITY OF OUR NATION: THE PRESIDENT'S FISCAL YEAR 2019 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

APRIL 26, 2018

Serial No. 115–63

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: http://www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

30–901 PDF WASHINGTON : 2018

COMMITTEE ON HOMELAND SECURITY

MICHAEL T. MCCAUL, Texas, *Chairman*

LAMAR SMITH, Texas
PETER T. KING, New York
MIKE ROGERS, Alabama
LOU BARLETTA, Pennsylvania
SCOTT PERRY, Pennsylvania
JOHN KATKO, New York
WILL HURD, Texas
MARTHA MCSALLY, Arizona
JOHN RATCLIFFE, Texas
DANIEL M. DONOVAN, JR., New York
MIKE GALLAGHER, Wisconsin
CLAY HIGGINS, Louisiana
JOHN H. RUTHERFORD, Florida
THOMAS A. GARRETT, JR., Virginia
BRIAN K. FITZPATRICK, Pennsylvania
RON ESTES, Kansas
DON BACON, Nebraska

BENNIE G. THOMPSON, Mississippi
SHEILA JACKSON LEE, Texas
JAMES R. LANGEVIN, Rhode Island
CEDRIC L. RICHMOND, Louisiana
WILLIAM R. KEATING, Massachusetts
DONALD M. PAYNE, JR., New Jersey
FILEMON VELA, Texas
BONNIE WATSON COLEMAN, New Jersey
KATHLEEN M. RICE, New York
J. LUIS CORREA, California
VAL BUTLER DEMINGS, Florida
NANETTE DIAZ BARRAGÁN, California

BRENDAN P. SHIELDS, *Staff Director*
STEVEN S. GIAIER, *General Counsel*
MICHAEL S. TWINCHEK, *Chief Clerk*
HOPE GOINS, *Minority Staff Director*

CONTENTS

Page

STATEMENTS

The Honorable Michael T. McCaul, a Representative in Congress From the State of Texas, and Chairman, Committee on Homeland Security:
Oral Statement 1
Prepared Statement 3
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:
Oral Statement 4
Prepared Statement 5
The Honorable Lou Barletta, a Representative in Congress From the State of Pennsylvania:
Prepared Statement 7
The Honorable Scott Perry, a Representative in Congress From the State of Pennsylvania:
Prepared Statement 7

WITNESS

Hon. Kirstjen M. Nielsen, Secretary, U.S. Department of Homeland Security:
Oral Statement 8
Prepared Statement 11

FOR THE RECORD

The Honorable Daniel M. Donovan, Jr., a Representative in Congress From the State of New York:
Letter 41
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:
Letter 61
E-mail 62

APPENDIX

Questions From Chairman Michael T. McCaul for Honorable Kirstjen M. Nielsen 65
Questions From Ranking Member Bennie G. Thompson for Honorable Kirstjen M. Nielsen 66
Questions From Honorable Lou Barletta for Kirstjen M. Nielsen 67
Questions From Honorable Sheila Jackson Lee for Kirstjen M. Nielsen 67
Questions From Honorable John Katko for Kirstjen M. Nielsen 67
Questions From Honorable James R. Langevin for Kirstjen M. Nielsen 68
Questions From Honorable Daniel M. Donovan, Jr. for Kirstjen M. Nielsen 68
Question From Honorable William Keating for Kirstjen M. Nielsen 69
Questions From Honorable John H. Rutherford for Kirstjen M. Nielsen 69
Question From Honorable Bonnie Watson Coleman for Kirstjen M. Nielsen 70
Questions From Honorable Kathleen Rice for Kirstjen M. Nielsen 70
Question From Honorable J. Louis Correa for Kirstjen M. Nielsen 71

STRENGTHENING THE SAFETY AND SECURITY OF OUR NATION: THE PRESIDENT'S FISCAL YEAR 2019 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

Thursday, April 26, 2018

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 10:08 a.m., in room HVC–210, Capitol Visitor Center, Hon. Michael T. McCaul (Chairman of the committee) presiding.

Present: Representatives McCaul, King, Rogers, Barletta, Perry, Katko, McSally, Ratcliffe, Donovan, Gallagher, Higgins, Garrett, Fitzpatrick, Estes, Bacon, Thompson, Jackson Lee, Langevin, Keating, Payne, Watson Coleman, Rice, Correa, Demings, and Barragán.

Chairman MCCAUL. Committee on Homeland Security will come to order. Committee is meeting today to hear from the Secretary of the Department of Homeland Security, Kirstjen Nielsen, on the administration's priorities for the Department. I now recognize myself for an opening statement.

Our homeland faces threats on multiple fronts. International terrorists seek to attack our country and kill Americans. Human traffickers, drug smugglers, and gangs like MS–13 are crossing our borders and infecting our neighborhoods. Nation-states and hackers are engaged in cyber warfare. The next natural disaster can strike at any moment. We cannot let our guard down.

We need a budget that matches these most pressing needs. Fortunately, the President's fiscal year 2019 budget request addresses many of these concerns. The $1.6 billion for a border wall and additional funds to hire more ICE officers and Border Patrol agents will help curb illegal immigration.

Securing our borders continues to be one of my top priorities. That is why I introduced legislation to get the job done. My bill authorizes $18 billion for the construction of a border wall, ends funding for sanctuary cities, closes dangerous loopholes, and puts more boots on the ground.

It also secures ports of entry, authorizes the National Guard to provide aviation and intelligence support, and targets visa overstays, and also provides for strong technology which is desperately needed down there.

This administration has been a strong supporter of these solutions, and I commend the recent decision to deploy the National Guard to the border. I am pleased to see that $713 million requested for cybersecurity operations at NPPD was requested. Cybersecurity is one of the most important missions of the Department as the Secretary knows.

As Americans become more reliant on cyber space, we are all targets. This committee has a strong bipartisan track record on this issue. We passed bills that expedite hiring at DHS and enhance cyber threat information sharing. We also recently secured $26 million to support election infrastructure.

In January, the House approved our landmark bill to create a stand-alone organization to elevate the cybersecurity mission at DHS. I am hopeful that the Senate will get this bill to the President's desk very soon.

Another area of concern for me is aviation security. I have been very disappointed, I have to be honest, at the slow pace of installing computed tomography scans in our airports. However, I was pleased to see that we secured $65 million in the omnibus for TSA to begin installing this technology immediately.

These CT scanners provide 3D imagery to help stop IEDs and other threats from boarding airplanes. Compared to the technology we have now, it is a difference between an X-ray and an MRI. The fiscal year 2019 budget request also requests an additional $71.5 million for CT, which will certainly help. But I do not believe that is enough to mitigate the threat landscape that we have currently.

Many terrorists are only one plane ride away from the United States and our aviation sector is still the crown jewel of targets. DHS must fight through all bureaucratic hurdles so CT scanners are in our airports and last-point-of-departure airports for inbound flights as soon as possible.

Some parts of this budget request will help DHS carry out its mission, but others I believe miss the mark. The $473 million cut to FEMA grants for State and local first responders is a major step backward. Many parts of the country, including my home State of Texas, were devastated by natural disasters last year. I personally toured the devastation after Hurricane Harvey and our first responders played a key role in saving lives.

Last week, our committee reviewed the lessons learned from both the Boston Marathon bombings and the recent bombings in my home town of Austin. Our first responders were crucial in both cities and they need our support. I hope today's hearing will shed light on why these grants are targeted for cuts.

Protecting our homeland must be a unifying cause. Partisanship should end at the water's edge. Last July, the House passed the first-ever comprehensive reauthorization of DHS with overwhelming bipartisan support. This reauthorization reasserts Congress' authority to write laws, streamlines redundant programs, protects taxpayer dollars, and supports America's front-line defenders and first responders.

Unfortunately, our friends in the Senate have yet to pass our bill. I strongly urge them to do so without further delay. Madam Secretary, in this Congress alone, our committee has passed 82

bills through the House and 6 were signed into law. *Politico* named us as the hardest-working committee in Congress.

A strong DHS is our goal, and we are here to support you. All of us are grateful for your service and for the hardworking professionals, the men and women at DHS. We all look forward to working with you in keeping our homeland safe.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

APRIL 26, 2018

Our homeland faces threats on multiple fronts. International terrorists seek to attack our country and kill Americans. Human traffickers, drug smugglers, and gangs like MS–13, are crossing our borders and infecting our neighborhoods. Nation-states and hackers are engaging in cyber warfare. And the next natural disaster can strike at any moment.

We cannot let our guard down. We need a budget that matches these most pressing needs. Fortunately, the President's fiscal year 2019 budget request addresses many of these concerns. The $1.6 billion for a border wall and additional funds to hire more ICE officers and Border Patrol agents will help curb illegal immigration.

Securing our borders continues to be one of my top priorities. That is why I introduced legislation to get the job done. My bill authorizes $18 billion for the construction of a border wall, ends funding for sanctuary cities, closes dangerous loopholes, and puts more boots on the ground.

It also secures ports of entry, authorizes the National Guard to provide aviation and intelligence support, and targets visa overstays. This administration has been a strong supporter of these solutions and I commend the recent decision to deploy the National Guard to the border.

I am also pleased to see $713 million requested for cybersecurity operations at NPPD. As Americans become more reliant on cyber space, we are all targets. This committee has a strong bipartisan track record on this issue.

We passed bills to expedite hiring at DHS and enhance cyber threat information sharing. We also recently secured $26 million to support election infrastructure.

In January, the House approved our landmark bill to create a stand-alone organization to elevate the cybersecurity mission at DHS. I am hoping the Senate will get this bill to the President's desk very soon.

Another area of concern for me is aviation security. I have been very disappointed at the slow pace of installing Computed Tomography (CT) scans in our airports.

However, I am glad that we secured $65 million in the Omnibus for TSA to begin installing this technology immediately.

These CT scanners provide 3D imagery to help stop IEDs and other threats from boarding airplanes. Compared to the technology we have now, it's the difference between an X-ray and an MRI.

The fiscal year 2019 budget request for an additional $71.5 million for CT will certainly help, but I don't believe it is enough to mitigate the threat.

Many terrorists are only one plane ride away. Our aviation sector is still their "crown jewel" of targets.

DHS must fight through all bureaucratic hurdles so CT scanners are in our airports and last points of departure for in-bound flights as soon as possible.

Some parts of this budget request will help DHS carry out its mission. But other parts miss the mark. The $473 million cut to FEMA grants for State and local first responders is a major step backwards. Many parts of the country, including my home State of Texas, were devastated by natural disasters last year.

I personally toured the devastation after Hurricane Harvey. Our first responders played a key role in saving lives.

Last week, our committee reviewed the lessons learned from both the Boston Marathon bombings and the recent bombings in my home town of Austin.

Our first responders were crucial in both cities and they need our support. I hope today's hearing will shed light on why these grants are targeted for cuts.

Protecting our homeland must be a unifying cause. Partisanship should end at the water's edge. Last July, the House passed the first-ever, comprehensive reauthorization of DHS with overwhelming bipartisan support.

This reauthorization reasserts Congress's authority to write laws, streamlines redundant programs, protects taxpayer dollars, and supports America's front-line defenders and first responders.

Unfortunately, our friends in the Senate have not yet passed our bill. I strongly urge them to do so without further delay. Madame Secretary, in this Congress alone, our committee has passed 82 bills through the House and 6 were signed into law. *Politico* named us the "hardest-working committee in Congress."

A strong DHS is our goal and we are here to support you. All of us are grateful for your service and for the hardworking professionals at DHS. We all look forward to working with you to keep our homeland safe.

Chairman MCCAUL. The Chair now recognizes the Ranking Member, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Welcome, Madam Secretary. Today is your first appearance before the Committee on Homeland Security, 4.5 months after your swearing in as Secretary.

I have served on the Committee of Homeland Security since its establishment, and have been fortunate to work with all five of your predecessors from both political parties. Each of them, including your former boss, Secretary John Kelly, stopped by to establish a working relationship within days of being sworn in to the position.

That did not happen with you, which is a shame. Just like you met some of the Republicans on this committee this morning, Democrats stand ready, likewise, to meet with you. Perhaps next time, another 15 minutes from your schedule and you can stop by and meet some of the wonderful Democrats who love America too and want to do all they can to continue to keep America safe.

While we fundamentally disagree with many of the Trump administration's policies, I can assure you that Democrats on this committee are just as committed as our Republican counterparts to keeping our Nation secure while upholding our most important values.

Chairman McCaul has said, even in his opening statement of this committee, perhaps if others in Congress did as we do, we could in fact have a better situation. Eighty-two pieces of legislation passed by this committee is no small feat. I would say to him, however, that it is not Democrat's fault that the legislation had not been signed. So we will try to fix that too in time.

I hope that in the future, Madam Secretary, you will make more of an effort to conduct outreach to Members of the Democratic side on the committee. We have former chiefs of police, county commissioners, members of the legislature, district attorneys, everyone you can name, and they all love this country. The American people expect no less that we engage each other in these important issues.

Indeed, this is a critical time for the Department of Homeland Security. America faces threats from the troubling rise of domestic terrorism, mass shootings, and foreign terrorists organizations that seek to do us harm.

Russia and other actors are likely to continue their interference in our election systems including the upcoming mid-term elections. Puerto Rico and the U.S. Virgin Islands are still devastated by Hurricane Maria and Irma and another hurricane season is just weeks away.

Meanwhile, the Department is dealing with problems of President Trump's own making. His Muslim travel ban, his decision to terminate the DACA program, his Executive Order on immigration

enforcement and border security which seeks to make us a Nation of immigrants no more.

No longer the Department's chief of staff but now its Secretary, you, its leader, the buck stops with you, Madam Secretary. I am concerned that since becoming Secretary, you have not always been forthcoming on certain matters. You testified before the Senate that you do not specifically remember whether President Trump used a slur to describe African countries during a White House meeting.

You claim "I actually do not know that" when asked at the Senate hearing whether Norway is a predominately Caucasian country after the President questioned why we could not have more immigrants from Norway. Most recently, you declined to explain the President's tweet referring to a breeding concept in sanctuary cities in California.

If this is an indication of how you, as Secretary, interact with the White House on Homeland Security policy matters, there may be cause for concern. Your recent statements on Homeland Security matters have been less than encouraging.

Based on your press release this week, you would think the most important Homeland Security problem facing the Nation is a handful of Central Americans moving through Mexico. That does not make it so. We know who they are. We know where they are. We know they generally do not attempt to evade the Border Patrol, but rather present themselves to the agents and officers upon arrival.

But—fear about this so-called caravan gets airtime on certain media outlets and plays well with elements of President Trump's political base. Better to distract the American people from the real issues facing the Department and perhaps from the President's own problems, too.

Likewise, we have heard a lot in recent days about so-called loopholes in our immigration system as it relates to children. These are not loopholes. They are basic humanitarian protections enacted by Congress to protect vulnerable children and ensure that those who have legitimate asylum claims are heard, and those who do not are returned home safely.

We need only to look at some of the terrible cases that occurred within this legal framework which implemented to know why Congress acted. Politicizing and demonizing children should be beneath the Department, and Congress must not go down that path.

As you know, Madam Secretary, the mission of the Department of Homeland Security is to safeguard the American people, our homeland and our values. I appreciate this and understand that it is no easy task, and that we are living in challenging times in more ways than one. I hope that the Department, under your leadership and with over 240,000 employees strong, live up to that.

With that, Mr. Chair, I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

APRIL 26, 2018

Today is your first appearance before the Committee on Homeland Security, four-and-a-half months after your swearing-in as Secretary. I have served on the Com-

mittee on Homeland Security since its establishment, and have been fortunate to work with all five of your predecessors from both political parties.

Each of them, including your former boss, Secretary John Kelly, picked up the phone or stopped by to establish a working relationship within days of being sworn in to the position. That did not happen with you, which is a shame.

While we fundamentally disagree with many of the Trump administration's policies, I can assure you that Democrats on this committee are just as committed as our Republican counterparts to keeping our Nation secure while upholding our most important values.

Chairman McCaul has said this committee, perhaps unlike some others in Congress, prides itself in its ability to come together where we can to enact legislation in the interest of the American people. I agree.

I hope that in the future you will make more of an effort to conduct outreach to Members on this side of the aisle. The American people expect that we engage each other on important issues.

Indeed, this is a critical time for the Department of Homeland Security. America faces threats from the troubling rise of domestic terrorism, mass shootings, and foreign terrorist organizations that seek to do us harm. Russia and other actors are likely to continue their interference in our election systems, including the upcoming midterm elections. Puerto Rico and the U.S. Virgin Islands are still devastated by Hurricanes Maria and Irma, and another hurricane season is just weeks away.

Meanwhile, the Department is dealing with problems of President Trump's own making. His Muslim travel bans, his decision to terminate the DACA program, and his Executive Orders on immigration enforcement and border security, which seek to make us a Nation of immigrants no more.

No longer the Department's chief of staff, but now its Secretary, its leader, the buck stops with you. I am concerned, however, that since becoming Secretary you have not always been forthcoming on certain matters.

You testified before the Senate that you do not "specifically remember" whether President Trump used a slur to describe African countries during a White House meeting.

You claimed "I actually do not know that" when asked at that Senate hearing whether Norway is a predominantly Caucasian country, after the President questioned why we could not have more immigrants from Norway.

Most recently, you declined to explain the President's tweet referring to a "breeding concept" in "sanctuary cities" in California.

If this is any indication of how you, as Secretary, interact with the White House on homeland security policy matters, there may be cause for concern.

Your recent statements on homeland security matters have been less than encouraging. Based on your press releases this week, you would think the most important homeland security problem facing the Nation is a handful of Central Americans moving through Mexico. That does not make it so.

We know who they are. We know where they are. And we know they generally do not attempt to evade the Border Patrol, but rather present themselves to your agents and officers upon arrival. But fomenting fear about this so-called "caravan" gets airtime on certain media outlets and plays well with elements of President Trump's political base.

Better to distract the American people from the very real issues facing the Department and perhaps from the President's own problems too. Likewise, we have heard a lot in recent days about so-called "loopholes" in our immigration system as it relates to children. These are not loopholes.

They are basic humanitarian protections enacted by Congress to protect vulnerable children and ensure that those who have legitimate asylum claims are heard, and those who do not are returned home safely.

We need only look at some of the terrible cases that occurred before this legal framework was implemented to know why Congress acted. Politicizing and demonizing children should be beneath the Department, and Congress must not go down that path.

As you know the mission of the Department of Homeland Security is to "safeguard the American people, our homeland, and our values." I appreciate this is no easy task, and that we are living in challenging times in more ways than one. I hope that the Department, under your leadership and with over 240,000 employees strong, is up to it.

Chairman MCCAUL. Gentleman yields back. Other Members are reminded that opening statements may be submitted for the record.

[The statements of Hon. Barletta and Perry follow:]

STATEMENT OF HONORABLE LOU BARLETTA

Secretary Nielsen, thank you for coming before this committee today to discuss the importance of the security of the United States, and for your service to this country.

I am encouraged that President Trump has put a priority on enforcement and that the American people finally have a partner in the White House with their best interests at heart.

The United States is a compassionate country, but we are also a country of laws. We as a Congress have failed by not enforcing the laws of our land and refusing to put the safety and well-being of the American people first.

That is why I am a cosponsor of the Securing America's Future Act. This legislation is a common-sense solution that secures our borders, improves interior enforcement, and provides relief for those that came here by no fault of their own. I am hopeful the House will vote on this bill soon.

Immigration to the United States has quadrupled from 250,000 per year in the 1950's, to more than 1 million annually since 1990. America is the third most-populous nation in the world with over 330 million people. We cannot simultaneously sustain high levels of legal immigration while millions of illegal aliens continue to cross our borders.

My city of Hazleton had an illegal immigration problem. Our population grew by 50 percent, but our tax revenue stayed the same. With the spike in illegal immigration came gangs, drugs, theft, and other crimes that left our police force undermanned and overwhelmed.

Hospitals and schools were pushed to their breaking point, as over-crowding moved public resources from tax-paying Americans and legal immigrants, to illegal aliens.

I have sat at the tables of Pennsylvanians who have lost loved ones to the violent acts of illegal aliens, and it is those people for whom I have compassion.

It is time to secure our borders, enforce our Federal laws, and put America first.

STATEMENT OF HONORABLE SCOTT PERRY

APRIL 26, 2018

Earlier this spring, our Nation's Federal debt surpassed $21 trillion for the first time in history. This staggering milestone is a reminder of the troubling fiscal realities facing our Nation and a legacy of years of irresponsible spending under the Obama administration. In February, testifying before Congress, the director of national intelligence, Dan Coats, labeled the skyrocketing Federal debt a "dire threat" to our National security.

In this fiscal environment, as the Federal Government seeks to cut its expenditures, homeland security must remain a top priority. Our Nation faces an unprecedented array of threats, from the continuing menace of the Islamic State to the increasingly sophisticated cyber capabilities of our adversaries. I am therefore pleased to see that the President's fiscal year 2019 budget request prioritizes funding the important missions carried out by the Department of Homeland Security (DHS).

DHS's fiscal year 2019 budget request would fund the Department at $47.5 billion dollars (net discretionary funding). The budget request calls for increases in funding for Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the Federal Law Enforcement Training Center (FLETC), and provides $1.6 billion for border wall construction on the Southwest Border and $2.8 billion for additional ICE detention beds.

While I commend the Department's request for addressing some of the most challenging issues facing our Nation, I do have several reservations.

The Department's budget request proposes to cut the DHS Office of Inspector General's (OIG) budget by nearly $6 million from fiscal year 2018 enacted levels. As the Chairman of the Subcommittee on Oversight and Management Efficiency, I have seen first-hand the importance of maintaining the Department's transparency and accountability to Congress and the American people. OIG is instrumental in assisting Congress in its oversight role over DHS and I am concerned that proposed cuts to OIG's budget will impair the Inspector General's ability to properly audit the Department's operations.

I am also concerned about the Department's $231 million request in new funding for DHS headquarters consolidation at the historic St. Elizabeths campus in Southeast Washington, DC. Earlier this month, the Subcommittee on Oversight and Management Efficiency held a hearing to continue oversight over the St. Elizabeths project. The subcommittee learned that headquarters consolidation continues to face

schedule delays and that DHS and the U.S. General Services Administration are working to release an updated plan forward for the project by the end of the year. Given the track record of failure at St. Elizabeths, I urge Congress to exercise caution in any funding for new construction until an updated plan is finalized.

Congress is charged with both the responsible stewardship of taxpayer dollars and helping to ensure the security of the American people. DHS's fiscal year 2019 budget request is an important step in fulfilling both of these responsibilities. I want to thank Secretary Nielsen for appearing before the committee this morning and I look forward to learning more about the Department's mission priorities in the upcoming fiscal year as reflected by the President's budget request.

Chairman MCCAUL. On December 6, 2017, Kirstjen Nielsen was sworn in as the sixth Secretary of the Department of Homeland Security. This is also the Secretary's first appearance before our committee, and we thank you for being here today. Your full statement will appear in the record. The Chair now recognizes the Secretary for an opening statement.

STATEMENT OF HON. KIRSTJEN M. NIELSEN, SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY

Secretary NIELSEN. Try that again. Thank you.

Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee, it is a privilege to appear before you today. I am honored to present the President's 2019 budget request for the Department of Homeland Security and discus how that budget will help keep America safe.

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

I would also like to thank you for your support for our reauthorization. As you know, it is critical that the men and women of the Department have the tools, resources, and skill sets that they need to further the mission of this country.

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

Today, I would like to outline several core missions empowered by this budget. First, securing and managing our borders and enforcing our immigration laws. No. 2, protecting our Nation from terrorism and countering threats. No. 3, preserving and upholding the Nation's prosperity and economic security. No. 4, securing cyber space and critical infrastructure. No. 5, strengthening homeland security preparedness and achieving resilience.

Within all of these missions, we are aiming to put our employees first and empower our front-line defenders to do their job. This will help mature the Department, and more importantly, help us better secure the homeland.

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

The current statistics for last month tell a dangerous story. Overall, the number of illegal aliens encountered at the border increased more than 200 percent when compared to the same time last year. Perhaps more troubling, the number of unaccompanied alien children encountered has increased over 800 percent, and the number of families encountered increased over 680 percent.

We also saw a 37 percent increase in drug seizures at the border in March, and I am sad to report we have an increase in 73 percent in assaults on our border agents. This is unacceptable and it must be addressed. We must do more to secure our borders against threats and illegal entry and close dangerous loopholes that are making our country vulnerable.

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

These legal loopholes are strong pull factors that entice those looking to circumvent our laws. For border security to work, violation of the law must have consequences.

As I have said many times, interdiction without the ability to promptly remove those who have no lawful basis to enter or remain is not border security. It undermines our National security and we must work together to close these loopholes. This budget would invest in new border wall construction, technology, and infrastructure to stop this illegal activity.

I would be remiss if I did not say that one of our greatest investments is in our people. Recruiting, hiring, and training additional U.S. Border Patrol agents, additional U.S. Customs and Immigration Enforcement officers, and additional support personal to carry out these vital missions.

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

Terrorists are adapting. They are taking an all-of-the-above approach to spreading violence. That includes promoting attacks on soft targets, using homemade weapons, and weapons they can bring in a bring-your-own-weapon style approach.

It includes crowdsourcing their violence through on-line radicalization, inspiration, direction, and recruitment. But they also remain focused on conducting sophisticated attacks including using concealed weapons, weapons of mass destruction, and modifying new technologies such as drones into deadly weapons.

This budget ensures that our defenses keep up with the innovation of our enemies. For instance, it allows TSA to deploy advanced tools to detect threats. It funds new CBP initiatives to identify high-risk travelers. It ramps up our defenses against WMD, and it provides vital funding to protect soft targets from concert venues to schools against attack.

Third, we are focused on preserving and upholding the Nation's prosperity and economic security. On an average day, the Coast Guard facilitates the movement of $8.7 billion worth of goods and commodities through the Nation's maritime transportation system.

Each day at our Nation's 328 air, land, and sea ports of entry, CBP welcomes nearly 1 million visitors, screens more than 67,000 cargo containers, arrests more than 1,100 individuals, and seizes nearly 6 tons of illicit drugs.

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

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

Fourth, we must secure cyber space. This is one of my personal priorities as there is much to do in this area. Our networks are under attack constantly from all corners of the physical world.

That is why DHS is taking historic strides to address systemic cyber risk, secure .gov networks, and strengthen the security and resilience of critical infrastructure. The budget would enable DHS to support State and local election officials in defending the integrity of our election systems.

As you know, the Department's mission is to provide assistance to election officials in the form of advice, intelligence, technical support, and instant response planning with the ultimate goal of building a more resilient and secure election enterprise to investing in hardware, software intrusion detection and analytical capabilities, we are better able to secure the digital ecosystem that makes our American way of life possible.

Fifth, and finally, it is a core mission of DHS to strengthen homeland security preparedness and achieve National resilience. Last year, according to NOAA, our country experienced one of the most costly and damaging seasons for natural disasters in its history with a cumulative effect costing $3 billion.

Through the FEMA and in cooperation with State, local, Tribal, and territorial governments across the country, we will devote the resources and attention needed to ensure recovery. But we must also help communities across the Nation create a culture of preparedness to be more resilient to disasters.

A culture of preparedness is a National effort to be ready for the worst disasters at all levels. This budget helps us with these efforts and supports the DRF which is necessary to help State and local governments respond and recover.

In conclusion, we need to empower the men and women of the Department to carry out these five missions and many others by giving them the resources they need. In addition to the various areas I mentioned today, I am also firmly committed to maturing the Department and putting our employees first.

It is an honor to serve along the men and women of DHS who work tirelessly each day to secure our country and who are often unrecognized. I thank them for this service.

I thank this committee to support our budget, in supporting our employees, supporting our missions and helping to make our Nation more secure. Thank you for your time and I look forward to your questions.

[The prepared statement of Secretary Nielsen follows:]

PREPARED STATEMENT OF KIRSTJEN M. NIELSEN

APRIL 26, 2018

Chairman McCaul, Ranking Member Thompson, and distinguished Members of the subcommittee: It is a privilege to appear before you today to discuss the Department of Homeland Security's (DHS) crucial missions and to present the President's fiscal year 2019 budget request for the Department.

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

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

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

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

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

The fiscal year 2019 President's budget includes funding for 52,000 detention beds, including 2,500 beds reserved for family units, to ensure that apprehended aliens who are subject to removal from the United States—such as illegal border crossers, criminal aliens, and National security threats—are detained in safe and secure detention facilities pending their removal. For apprehended aliens who are not considered a threat to our communities, but who may pose a diminished flight risk, the President's budget would fund ICE's Alternatives to Detention Program to provide intensive supervision for up to 82,000 average daily participants through a combination of home visits, office visits, alert response, and electronic monitoring. Proposed funding for removal operations will facilitate the complex coordination required to return aliens safely and expeditiously to their home countries and pay for transportation costs.

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

The budget gives our front-line operators the tools and resources they need to more aggressively disrupt and dismantle transnational threats. It would advance the administration's efforts to block terrorists, criminals, and other nefarious actors from reaching the United States and exploiting our immigration system. It would further integrate intelligence into DHS operations to make sure rapid changes in the threat environment are met with a near-real-time change in our response. And

it proposes funding across the Department for initiatives that will help us keep pace with adaptive enemies and new threats.

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

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

Additionally, DHS is seeking to provide critical resources to the U.S. Coast Guard (USCG) to better defend the Nation against transnational threats and support the response to natural disasters. The USCG secures our maritime borders by operating up to more than 1,500 miles offshore to extend the Nation's security and to enforce laws. During the 2017 hurricane season, the USCG, working alongside the Federal Emergency Management Agency (FEMA), was prepared and immediately responded to the needs of our citizens and partner nations. Their unique blend of statutory authorities combines civil law enforcement, response, and prevention with military service capabilities, resulting in an extremely agile force capable of responding to any significant event or emergency.

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

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

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

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

Moreover, DHS is seeking to ramp up "soft target" security efforts. From terrorist attacks to school shootings, we have seen public areas continue to be struck by violence. Our National Protection and Programs Directorate (NPPD) is helping to lead the charge on soft target security. The President's budget would provide almost $12

million for the establishment of the Soft Target Security Program which would expand NPPD's capabilities to reduce the risks to these locations through a mix of technology integration, targeted threat information sharing, training, and improved standards for security. This program will provide a more comprehensive, innovative, and coordinated approach to address threats to soft targets—including schools, entertainment venues, major events, and public spaces.

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

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

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

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

Last year our country experienced one of the most costly and damaging seasons for natural disasters in recent history. DHS is committed to helping our communities in the wake of these catastrophic events, and FEMA will devote the resources and attention needed—in cooperation with State, local, Tribal, and territorial governments across the country—to ensure we recover. The President's budget supports the DRF, which sustains FEMA's response and recovery efforts and funds a variety of Federal assistance programs that enable State and local governments to prevent, protect, respond, and recover from incidents of terrorism and other catastrophic events. The budget also focuses on other efforts that will help create a "culture of preparedness" Nation-wide and make our Nation more resilient to disasters.

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

Ultimately, the President's fiscal year 2019 budget request recognizes current fiscal realities, as well as the persistent and evolving dangers we face. We have outstanding men and women working at DHS committed to protecting our homeland

and the American people. You have my commitment to work tirelessly to ensure that they are equipped and empowered to do their jobs. And I appreciate your support in doing so.

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

I am pleased to answer any questions.

Chairman MCCAUL. Thank you, Madam Secretary.

I now recognize myself for questions. First, let me just say this committee passed a historic border security bill providing $38 billion in funding for the wall, technology, personnel, joined Chairman Goodlatte and his legislation to close legal loopholes. But I think before we get to that, I think you have to justify that need, it is important to look at the threats that we face from the Southern Border.

Your predecessors, both General Kelly and Acting Secretary Duke, talked about transnational criminal organizations providing a potential means for transferring weapons of mass destruction to terrorists. There are reports today that this caravan is on its way to Tijuana. Can you tell us a little bit about the threats that we face as a Nation and why border security is so important?

Secretary NIELSEN. Yes, sir. So I think the way to think about it is any threat that we face as a Nation, if it can and will—if I can get across our border, our adversaries will do all they can to bring it across the border.

So what we look at is everything from drugs to the transnational criminal organizations you mentioned to smugglers and traffickers who smuggle all kinds of illicit things, not just people, but weapons, potentially weapons of mass destruction, other illicit technology. They avoid our trade regulations putting our economic prosperity at risk. We see increasing violence on the border.

I would also point out that we have seen ISIS in written materials encourage ISIS followers to cross our Southwest Border given the loopholes that they also are aware of. So we have a multitude of threats. We have emerging threats as you know. We are probably likely to talk about UAS at some point today. But UAS is yet another form of threat that we are beginning to see more and more at the Southwest Border.

Chairman MCCAUL. Yes. I recall being briefed on ISIS sort-of bragging about the ease with which it would take to bring a weapon of mass destruction into the United States. I have to take that seriously as they appear to be warning us of their intentions.

When we talk about closing legal loopholes, you know, the first bill I ever filed in Congress 14 years ago was to end the catch-and-release program, and here we are 14 years later still dealing with this problem. I am very frustrated as I know you are. Can you tell me why this is so important?

Secretary NIELSEN. I can. So the way that I think about this is in terms of home security. If you have an alarm in your home and you catch a burglar and you call the police and the police come, and in fact it is an illegal entry into your home. But the police then tell you that they have absolutely no ability to detain or remove those criminals, and the criminals stay in your house, you would not tell me that is home security. That is what we face at the border.

We stop people, we interdict them, but we do not have the authority given the loopholes in many cases to detain and remove them. We are forced to release them back into the communities after they have committed crimes.

We have eliminated the administrative use of catch-and-release, which was popular in the last administration. We do all we can to enforce the rules that you have passed. But given some of the court cases and some of the legal loopholes, we are unable to do that in all cases.

Chairman MCCAUL. I think to most Americans, they just do not understand that, how that could possibly—you can detain but you cannot deport them, and then they get released into our society in the United States. This so-called described caravan as I understand it maybe already in Tijuana. In your opinion, if they cross into the United States, which is their full intention, what will you be able to do?

Secretary NIELSEN. Well, I think we have made quite clear—first of all the attorney general has made quite clear, we have a zero tolerance for illegal entry. But we have advised in every way we possible, that we are aware of, to let those participating in this so-called caravan know that participating in a caravan does not give you any additional legal rights.

If you illegally enter our country, you will be referred for prosecution. If you file a false asylum claim, you will be referred for prosecution. If you aid and abet or coach someone to break our laws, you also will be referred for prosecution. So we are very clear about this. We will enforce our laws. It is an unfortunate situation that there is a belief that by coming in groups, it affords you some sort of legal protection that is not otherwise afforded under our law.

Chairman MCCAUL. Well, my concern is with the legal loopholes, which is really Congress' role to act. Under Article I we have the authority under the Constitution to pass immigration laws. If we fail to act on these legal loopholes, my concern is they will be released.

You will have the same problem with this caravan. Once they come to the United States, they will be detained and then released into our society, and that is Congress to blame, Madam Secretary, not you. That is why it is imperative I think Congress act on this bill that we have before us.

My final question has to do with aviation security. As you have received the threat briefings, I can say everyone on this committee has received the threats to our aviation sector, the briefing involving computer laptops and poisonous gases.

I think I speak for everybody on the committee, we are very alarmed by this. We want to do everything in our power to make sure the American people are protected on flights, both domestic and international.

We appropriate in the omnibus $65 million to move this forward. We will complete that full appropriation September for 300 CT machines so that your men and women can properly screen at airports to protect Americans from explosive devices that may not be seen today.

My question is how quickly how can these machines be deployed? Then finally, I think the highest risk are the last-point-of-departure airports, coming in from Istanbul and Cairo and Riyadh and places I have been to where the airport security is not as good as ours. What is your plan to make sure this technology is also at those last-point-of-departure airports?

Secretary NIELSEN. As you said in your opening statement, sir, unfortunately, the terrorists continue to see this as a crown jewel if you will of attack vectors. We also remain very concerned about aviation security, and in particular how quickly the adversary is advancing tactics and techniques and weaponry to bring down an airplane.

So the CT machines, we thank you for your support. They are critical in our—very critical in our ability to detect these emerging threats. As you know we are testing the machines as well as the algorithms that go with them that enable us to detect these new threats this summer. We look forward to the appropriation in 2019 so that we can in fact cover down over the United States in terms of protecting Americans here.

Last points of departure are another type of threat area that obviously a plane comes from a last point of departure to the United States. What we have done there is, you know, last year we substantially raised the bar in aviation security across the world. We have a tiered plan. We continue to work with countries to encourage them to adopt the CT technology.

In exchange for that, we pull back on other requirements that we have levied on them. So we have tremendous outreach occurring. I met with my G7 security ministers Monday/Tuesday. We talked about this again. We talk about this almost in every way we can. But you are exactly right to highlight the threat and we will continue to focus on it.

Chairman MCCAUL. Well, thank you. I think it is one of the biggest threats that we face from the terrorists today. It is a spectacular event that they like to talk about, not a one- to two-man operation or a vehicle assault. It would be a major event that we want to do everything we can to work with you to make sure it never happens. So thank you for being here.

I now recognize the Ranking Member.

Mr. THOMPSON. Thank you, Mr. Chairman.

Madam Secretary, one of the oversight responsibilities we have with DHS is to kind-of see whether or not things are going according to the wishes of Congress and this committee. To that extent, there are a number of policy deliverables that are outstanding from the Department at this point, and I am going to go through the list and try to get some idea on when we will receive them.

The Quadrennial Homeland Security Review was due December 31, 2017. Do you have any idea when we might get that document?

Secretary NIELSEN. Yes, sir, I believe we have coordinated with this committee as well as your sister committee on the Senate side to work through the best way to present that information.

We want to make sure that it is part of a larger National security strategy, counterterrorism strategy. As you know, we have other strategies that are due at the Department. So the idea is to get the timing right so that they actually work in parallel and we

do not have one that then is not consistent with another due to timing restrictions. So happy to come brief you further on the progress and how that nests into many of the larger requirements that we have.

Mr. THOMPSON. Madam Secretary, it is the law.

Secretary NIELSEN. No, I understand, sir. So we have worked with you on the timing, but I am happy to come brief you, as I said, specifically on that.

Mr. THOMPSON. So you do not plan to follow the law on delivering the report? I mean that is all I am asking. It is due. To say you coordinated, that is all right. But it is the law you have to produce the report.

Secretary NIELSEN. Respectfully, sir, I did not say that I would not follow the law. What I did say is that we are working on it. We have told you what the timing is, and I am happy to come brief you further if you would like.

Mr. THOMPSON. Well, I am not necessarily looking for a briefing.

Secretary NIELSEN. OK.

Mr. THOMPSON. I need from you, very simple, when you plan to follow the law to present——

Secretary NIELSEN. We will get back to you.

Mr. THOMPSON. Beg your pardon?

Secretary NIELSEN. We will get back to you.

Mr. THOMPSON. Well, will you get back to us in writing?

Secretary NIELSEN. If you would prefer that instead of a briefing, happy to do that.

Mr. THOMPSON. I would absolutely prefer it in writing. We have also a Department-wide cybersecurity strategy that was due March 23, 2017.

Secretary NIELSEN. Yes. So we were out at the RSA conference last week. We spent quite a bit of time talking to stakeholders to finalize that as a last very important effort to make sure that we had stakeholders involved. We will have four pillars of that strategy. We are looking to identify the risks, to reduce threats, reduce vulnerabilities, and mitigate consequences. We also have it based on five trends——

Mr. THOMPSON. I appreciate that, but when can we as Members of this committee receive the written report——

Secretary NIELSEN. Shortly.

Mr. THOMPSON. That is outstanding?

Secretary NIELSEN. Shortly, the strategy is—sir.

Mr. THOMPSON. A week, 2 weeks? A month?

Secretary NIELSEN. It should be within the next 2 weeks, yes sir.

Mr. THOMPSON. Within the next 2 weeks.

Secretary NIELSEN. Yes.

Mr. THOMPSON. Thank you. Now the long-awaited update plan for the Department's major headquarters consolidation project, it was actually due August 27, 2016. When do you anticipate getting that to us?

Secretary NIELSEN. That one I will have to get back to you, sir. I am not as familiar. I know we continued to be in discussions. As you know we have had some funding issues as well as some construction delays given the historic nature of the property. So I will get back to you on the timing of that.

Mr. THOMPSON. Well, thank you. Those three reports, if you would provide in writing the status updates and when we can expect them, I would appreciate it.

With respect to Hurricane Maria, are you satisfied with FEMA's response to Hurricane Maria as it relates to Puerto Rico and the Virgin Islands?

Secretary NIELSEN. Well as you know it is not over yet. FEMA will continue to provide recovery services under its statutory mission until they are complete. We continue to work very closely with the Governor and the government officials, mayors in the case of Puerto Rico.

We can always do more. It was a very difficult situation as you know given, especially in Puerto Rico, the status of the infrastructure before the storm. FEMA prepositioned more than it ever had before. We had many people there in conjunction with our interagency partners, and we are going through the formal lessons learned process now. But recovery is on-going so we should have the findings from the initial response shortly.

Mr. THOMPSON. So your testimony, you are not satisfied with it or you are?

Secretary NIELSEN. It was a big storm, sir, I think FEMA went above and beyond in performing its statutory mission, but we always learn lessons and we always make it better for next time.

Mr. THOMPSON. What systems have you put in place so that whatever shortcomings occurred with Hurricane Maria will not occur again?

Secretary NIELSEN. One of them is the administrator is deploying Federal integration teams. The concept here is to send steady-state people out into the field who are experts in incident management preparedness prevention mitigation to help different areas and jurisdictions be able to prepare for an event.

So what we are trying to do at this point is push resources to left of the event. As you know, recent studies have shown for every dollar of mitigation we save $6 in—excuse me, $1 in prevention and mitigation we have $6 saved in terms of response and recovery. So what we are doing is relooking at all of our systems so that we can build those cultures of resilience and preparedness.

Mr. THOMPSON. Thank you. Madam Secretary, on January 16, you testified before the Senate that 90 percent of unoccupied alien children released never show up for court. Can you provide this committee with how you came up with that 90 percent figure?

Secretary NIELSEN. Sure. When we encounter a UIC, we register them. As you know, we, at the Department, turn them over to the Department of Health and Human Services. So we have the numbers, then we——

Mr. THOMPSON. Well, what I am saying in writing?

Secretary NIELSEN. Oh, OK. Sure.

Mr. THOMPSON. I yield back.

Chairman MCCAUL. The gentleman yields.

Chair will recognize Members who were present at the start of the hearing by seniority on the committee according to the rules.

The Chair now recognizes the gentleman from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman.

Madam Secretary, thank you for your testimony here today and thank you for your service. I have basically two questions. I will ask them together so you have more time to answer them.

First is on the issue of grants, Homeland Security grants. I live right outside New York City. New York City, Nassau and Suffolk, Westchester County are the No. 1 terrorist target in the country by all accounts. There is more than well over 1,000 police officers work full-time on counterterrorism and intelligence.

We have subways carrying over 5 million people a day, a thousand entrances and exits. We have commuter lines, Long Island Railroad and Metro North with hundreds of thousands more. Yet in the budget, your—grants are being cut—grants are being cut.

To me, and you have maybe some other alternative plans, but the fact is these police departments and these fire departments and these emergency service units in these locales, and I am not disparaging any other part of the country. They can fight and they need it too. But yet we have been attacked many times, twice just in the last 6 months. There has been over 20 attempted attacks against New York besides the two attacks on the World Trade Center.

So I would just, again, ask you to reconsider and look at how that money is being distributed and why we have cuts at a time like this when, again, in many ways the threats are more than they were before 9/11. They may be not at the same magnitude as 9/11, but as far as numbers and the metastasizing of Islamic terrorists, there is more threats today than there were then. That is my question is on that, an easy one.

Second one is on MS–13. MS–13 is to a large extent focused on my district. We have had over 25 murders in the last 2 years. They are right now digging for bodies within a mile of my house. This goes on continuously. But let me commend both HSI and ICE for the work they are doing. They are working very closely with the local police, with the local district attorneys, with the FBI. So progress has been made.

But one of the deficiencies we have, and this is not really your Department's responsibility, but I think you have a say in this. This is on the question of the unaccompanied minors. It was brought to my attention last year both by Federal intelligence and also local police that many of these minors who come across, I do not say many, maybe 5 or 10 percent, whatever the number would be, are actually sent here by MS–13 in El Salvador.

When they come to the border, they are apprehended by the Border Patrol but then turned over to HHS, and then HHS places those kids with families around the countries. A disproportionate amount are going to Brentwood and Central ICE up in my district.

Intelligence, as I understand, is showing that the families who are asking for these kids are either in many cases or too many cases are either supporters of MS–13 or they have relatives back in El Salvador being threatened by MS–13. In the most recent murders, of the 11 people indicted for the murders, 6 of them were unaccompanied minors that came across the border within the last 2 or 3 years.

When I talked to the school superintendents, they talk about how the unaccompanied minors, a number of them are recruiting within the schools. Yet, HHS, the Office of Refugee Resettlement does very

little as far as notifying the local police when these children, unaccompanied minors are being placed in the community.

I would ask if you will get the administration to work with HHS and your own Department to better coordinate this so the local police are told who these kids are, where they are coming from. Also a better job of vetting the families that they are being placed with, and also a better job of vetting the families they came from. So those are my two questions. Thank you.

Secretary NIELSEN. Thank you, sir. As you said, our grants are not an easy conversation. The way we are looking at this, and we would love to work with you further, we have put out, as you know, about $50 billion in grants since 9/11.

The idea there was to help State and locals build capacity to threats that they had not necessarily had to address before. It was very important at that time to make sure that the State and locals had what they needed to protect their communities.

As the threat environment quickly changes, what we are trying to do is find ways to have grants, not just maintain and help State and locals continue the capacities they have built, but enable them to focus on the new and emerging threats. So what this budget proposes is a new $525 million program, preparedness program, to focus on emerging threats.

So it is not—I understand the question, but I just want to make the point. What we are trying to do is use the grants holistically in a way that we can cover down on the known, the threats that we know we have, but also the threats that are emerging. So it is important——

Mr. KING. I was just saying that the threats—I realize there is new threats, but again, large amounts of this money are spent on surveillance, on programs which are on-going, the threat is on-going.

It is not as if that you always need new equipment. Sometimes they do. But it is also they have to have the training and the constant work that goes on. When you have 1,000, 1,500 working on it, and they are working full-time, you know, whether or not the threats changed, those 1,000 or 1,500 still have to work.

Secretary NIELSEN. Yes. So we need to balance the maintenance and sustainment with the idea of the grants to begin with, which is to build capacity, to build new threats. But I did want to just take a few minutes to answer your other question.

MS–13 does continue to be a problem as you know better than most in this room given the violence that has occurred in your area. Through Operation Matador and others, as you say, HSI does play a very active role.

We continue to work very closely with our colleagues at the Department of Justice to attack this from a network perspective which means going all the way back to where they are originating, watching their travel patterns, attempting to stop them at the border of course. But should they enter, make sure that we understand where they are and where they are headed.

Happy to work with HHS to make sure that that referral process works better and more effectively. I would also say that one of the loopholes that I often talked about is that fact that we cannot based on gang affiliation alone prohibit somebody from entering the

United States. It is not a legal criteria in and of itself for inadmissibility. So we also need to look at inadmissibility and removability when it comes to gangs, that we can make sure we can remove them.

The final point I would say on the UACs, we are working with HHS to better vet the sponsors and the family members so that we can understand where the children, for the children's safety, are going and who will take care of them. But also so that we can identify other issues that might occur.

As you say, we see recruiting from the gangs in New York all the way down to Central America, and we see the push from Central America to send UACs who are gang members into the United States.

Mr. KING. Again, let me emphasize that Homeland, HSI, ICE are doing an excellent job working with the FBI and local police in——

Secretary NIELSEN. Thank you, sir.

Mr. KING. Nassau and Suffolk. Thanks.

Chairman MCCAUL. The gentleman yields.

Chair recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much, and thank you for this hearing along with the Ranking Member.

Let me welcome you, and I do not often make this comment, but I think the Ranking Member made a point that I quickly want to say, and that is that I had the tragic privilege of being on this committee shortly after—the beginnings of this committee shortly after 9/11, and was able to go to Ground Zero during the long extended period of the recovery of remains. So there is nothing more precious than the security of this Nation, and I think it is bipartisan.

I do want to acknowledge Tacala and Madison; I brought them here today. They are Take Your Daughters to Congress, and they are in the room today, and I wanted to acknowledge them.

I am going to put a series of questions on the record and then I am going to ask which ones that I would like you to do in writing or I will indicate. I want you to tell me how many African Americans do you have in your immediate circle of staff. I do not see any in the room that seem to be with you today. So I would be interested in that and your efforts on that.

As it relates to the wall, I would be interested in knowing whether Mexico is going to pay for the wall, and so how the wall is going to proceed, as well as the 4,000 National Guard. You mentioned, and certainly I want to respond to the assaults on Border Patrol agents. I think we should respond to that in whatever recommendations that you may have.

But the 4,000 National Guard as I understand it coming from Texas being on the border, they will be unarmed and I see no way that they will have an impact on the protection of Border Patrol guards that are there now, and so what is the purpose of the 4,000? Did you have input into that selection?

We know that there is a recent court decision that indicts that the DACA structure right now and the President's removal of DACA status is illegal, and frankly, there has been no placement. We have a number of bipartisan bills to be put on the floor.

Would you and the President ask and demand that Paul Ryan put these bills on the floor for us to be able to vote for them? Then

secondarily, would you instruct your Border Patrol agents to not treat DACA-eligible and/or DACA-status individuals unfairly at the border by stopping them at the border and not allowing them to come back and forth?

The other question is that I have been working extensively on a young man from El Salvador who lived in this country more than half of his life, two American children, citizen wife, manager of a paint store.

I have repeatedly asked the Homeland Security Department to address the question of Jose Escobar who was, I would say, duped into doing what he always does, is reporting to the ICE office and precipitously being deported to a place that he has no knowledge of. We have not gotten one answer regarding the ability for him to have humanitarian parole to come back to this country and to address his status because he is DACA-eligible.

TSA is in definitive need of retention programs and salary programs because in your major airports, and I do not know if you have been to all the major airports, there is a constant rotation or departure of TSOs and that needs to be fixed.

FEMA needs to be fixed in terms of bifurcating recovery as opposed to rescue. In Houston, the reimbursement, and I want to thank FEMA and their staff, they are dedicated persons, but reimbursement monies have not yet come to schools and other facilities and people in desperate need.

Two other points: Domestic terrorism, the Mark Anthony Conditt did kill other people in Austin but he also killed two African Americans initially, and I think it was appropriate for many of us to think of his inclination and call it domestic terrorism. We heard nothing from the Department of Homeland Security.

Finally, the President has gone to Mar-a-Lago 1 day out of every week that he has been President, and 110 times he has played golf. I want to know your response to the Secret Service's long hours.

So let me ask you to answer the African American question, all the others I want in writing. The TSA retention question and the domestic terrorism, and you can just do quick sentencing. Secret Service in terms of payment and the responsibility of taking Secret Service to these joyful places and the long hours that they have to do. TSA retention——

Secretary NIELSEN. TSA——

Ms. JACKSON LEE. Are you working on that?

Secretary NIELSEN. Yes, ma'am. That is a very—throughout the Department, as you know, we do have some attrition problems that remain. It is a priority of mine as part of maturing the Department to become much more innovative. So we are looking at mobility programs.

Ms. JACKSON LEE. I am going to let you——

Secretary NIELSEN. OK.

Ms. JACKSON LEE. Go quickly. Domestic terrorism.

Secretary NIELSEN. Domestic terrorism, we have created an Office of Terrorism Prevention partnerships as you know to take very seriously all forms of terrorism in this country and work on——

Ms. JACKSON LEE. Did you speak about the incident in Austin, Texas in terms of potential of being domestic terrorism?

Secretary NIELSEN. I can speak to it only to say we are working with State and local law——

Ms. JACKSON LEE. If you had anything in writing on that, I would appreciate it. I just want to go forward. Mr. Escobar, would you look up Mr. Escobar? I have joined a bill with Mr. Green asking for him to be able to return. But more importantly this can be handled administratively by Homeland Security. Will you look at the point of Mr. Escobar from Houston, Texas?

Secretary NIELSEN. We will look at the case, yes.

Ms. JACKSON LEE. Secret Service and the many trips of the President to places beyond Camp David, which is an appropriately beautiful place, and the extra hours and the tiredness of Secret Service and the need for extra staff. How are you handling that burden?

Secretary NIELSEN. We are working on hiring initiatives. We are working on cross-training. We thank Congress for recently passing a bill that allows the Secret Service to be paid overtime. That will help very much with attrition and morale. We also in that case are looking to cross-train and give them more ability to move within the Secret Service to reduce some of the burden that they have.

Ms. JACKSON LEE. African Americans in your staff?

Secretary NIELSEN. I do not have the exact number in front of me. We do have diversity programs. We take that very seriously. Happy to get you specifics on that.

Ms. JACKSON LEE. Do you have any on your immediate staff?

Secretary NIELSEN. My immediate staff is rather large, but I do not know.

Ms. JACKSON LEE. In your office?

Secretary NIELSEN. In the personal front office, we do not.

Ms. JACKSON LEE. All right. All the other questions I would appreciate it if you would more extensively answer in writing, and I do want to just conclude by emphasizing the treatment of DACA status individuals.

What is the Department's position since most courts have indicated that DACA is a legitimate status to indicate to your employees that they should not be treated precipitously and disrespectfully and detained, which is what is happening?

Secretary NIELSEN. We are complying with all court orders. So what that means is if you are a currently-registered DACA recipient, you will not be deported. If you have applied for recertification as a DACA individual, you also will not be deported.

Ms. JACKSON LEE. And you will take new applications?

Secretary NIELSEN. We are not taking new applications right now, no, ma'am.

Ms. JACKSON LEE. All right. If you could give me answers to all the rest including why you are not taking new——

Secretary NIELSEN. It is not required at the moment so——

Ms. JACKSON LEE. It——

Secretary NIELSEN. As you know we ended the program because it was an inappropriate—an inappropriate use of Executive power.

Ms. JACKSON LEE. I understand. If you could just put that in writing since the courts have indicated your ending of the program was incorrect, why you are not taking new applications.

Secretary NIELSEN. OK. So just to be clear, though, the courts have not said that. What the courts have said as of recently in the last couple days is they have asked the Department within 90 days to come and provide them additional information. Should they find that that information is not sufficient, they reserve the right to take additional action. No court has ordered me to allow new DACA recipients.

Ms. JACKSON LEE. I disagree with you, but I would prefer if you would submit that to me in writing along with the other questions that I did not specifically get.

I thank the Chairman and the Ranking Member. I yield back.

Chairman MCCAUL. The gentlelady's time is expired.

The gentleman from Alabama, Mr. Rogers, you are recognized.

Mr. ROGERS. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here and thank you for your service to our country.

On a parochial note before I get to my questions, I want to personally invite you, now that you are settled in, to come and visit the Center for Domestic Preparedness in Alabama.

As you know, it has done a stellar job since 9/11 in training first responders all around the country, hospital personnel. It has the only live agent training facility for biological and chemical agents. So I think you would find it interesting. The last Secretary to be there was Janet Napolitano, and I am sure you will be as impressed as she was.

But in your written testimony you stated that, "Investments in our layered defense at the border would include 65 miles of new border wall construction in the highest traffic zones along the Southwest Border."

Yesterday, we had the CBP commissioner testify before the Transportation Security Subcommittee, and he talked about in addition to the wall itself, the importance of technologies associated with it to give us situational awareness at those borders. Can you describe for us what you see as your idea of a border wall system, and meaning not just the wall itself, but what would that system be compromised of?

Secretary NIELSEN. Sure. So a border wall system is the infrastructure which is important for the impedance and denial capability. It is in the technology, which among other things helps us with the domain awareness, situational awareness. It is the sensors technology. It is also at the ports of entry, the non-intrusive technology that helps us detect drugs and illegal entrants.

It is personnel, mission readiness, and making sure we have a work force who is trained. The last is access and mobility, so it is very important that the Border Patrol is able to get to parts of the wall where there are areas—parts of the border where there is a wall or there is not a wall to be able to interdict. So it is a combination of all of those things.

Mr. ROGERS. Have you been able to ascertain what percentage of the cost associated with the border security system is actually the wall, and what is the rest of that system that you just described? Which is substantial, the technologies and personnel are substantial.

Secretary NIELSEN. Yes, in fact, we had asked for $1 billion alone for some of the technology when we were talking about the $25 billion total number for the wall system. I can get back to you on that. It changes, frankly, as we work with Congress and we are appropriated money.

Then as you know in the last omnibus bill we had some specific restrictions on how we could build the wall and where we could build it. So we are reprioritizing and reorganizing some of those funds that were given to us by Congress. So happy to give you specific figures.

Mr. ROGERS. Yes, I would like to get a proportion——

Secretary NIELSEN. Happy to.

Mr. ROGERS. Because, you know, one of the things that we have heard is a lot of the critics of securing the Southwest Border talk about the numbers being unreasonably high per mile for this wall, and in fact, we are not just talking about the wall or the fencing itself. We have to help people understand that there is a lot more that goes to it than just putting that fencing up, or whether it is see-through or concrete or whatever at different points.

Let me ask this, do you feel like you have enough money right now to take on that challenge and secure the Southwest Border in its entirety?

Secretary NIELSEN. Not in its entirety, no, sir. So our goal is operational control of the border, that would have those master capabilities I mentioned. We do not yet have funding to secure the whole border.

Mr. ROGERS. Well, one of the things that my friend and colleague from Texas, Ms. Jackson Lee, requested information about a little while ago was whether or not Mexico or South America is going to help pay for the wall.

One of the things I would draw to your attention if you are not aware of it is a bill I introduced called the Border Wall Funding Act, which would assess a 2 percent fee on all remittances going to South America.

It would generate right at a $1 billion a year, half of that coming from Mexico, the other half from the other South American countries where most of these illegal aliens who are coming to our country are leaving, which would in fact require Mexico to pay for at least half of the wall.

Now granted it is a billion a year, it would not do it all, but I hope that you all will look at embracing that as one of several funding mechanisms to get us the money we need to secure that wall. You also in your testimony said, "Some critical missions are impeded by jurisdictions that refuse to cooperate with DHS on enforcement of Federal law." I think you are talking about sanctuary cities there?

Secretary NIELSEN. Yes, sir.

Mr. ROGERS. Can you tell us briefly what kind of added expense do you encounter when you have to go into an area that is a sanctuary city or a county and they refuse to cooperate?

Secretary NIELSEN. I will get you the figures, but it is additional use of technology. It is certainly an additional use of manpower. It is additional planning, additional contingencies that are built in.

But in essence what it requires us to do is rather than being able to take the criminal in a safe environment, which would be the jail, we then require our agents to go out in to the community putting themselves at risk but putting the community at risk to be able to interdict, yet again unfortunately, that criminal to be able to remove them.

Mr. ROGERS. Well, if we can get our heads around that added cost, I want this committee to consider legislation that would force those sanctuary cities to reimburse the Department for those added expenses that they are imposing on you.

With that, my time has expired. Thank you very much, Mr. Chairman, I yield back.

Chairman MCCAUL. Gentleman yields back.

The gentleman from Massachusetts, Mr. Keating, is recognized.

Mr. KEATING. Thank you, Mr. Chairman.

Thank you, Madam Secretary for being here. You said in your opening remarks that you are trying to create a culture of preparedness. In response to Congressman King's questioning, you said you want to build up a greater capability for emerging threats.

You know we will never know where the emerging threats may come from with surety, but we are pretty sure we know where the response to those threats are coming from. Those responses are coming from our front line. In fact, in my years here on the committee, I often ask, you know, what is the important aspect to our homeland security, and the answer almost always is our front-line responders.

That being said, this budget does not reflect that commitment to preparedness at all in terms of those responders. There is cuts to the State, the Homeland Security Grants that States like Massachusetts, my State, use of $157 million, the Urban Area Security Initiatives, which were so critical in the Boston Marathon bombing and the response in cities like New York, cut $180 million.

The Transit Security Grants which is a target of great concern given what has happened in other parts of the world were cut $64 million. The Emergency Performance Grants, $70 million. The funds to our local fire departments, front-line responders have been cut. So if you could, tell us how cutting this kind of funding helps America be safer?

Secretary NIELSEN. Yes, sir. So grants are part of a holistic approach to help State and locals prepare as you know. So as I mentioned earlier, it was actually the National Institute of Building Sciences that released the report. But $1 on the front end saves us $6 on the backend. So that is what we mean by culture of preparedness. It is capacity building. We do a lot of that through programs that are a direct distribution of funds.

We help with exercises, we help with training. We do have money in the budget for equipment through our CWMD office to provide detection and training for those particular threats. We have money in the budget for NPPD to help State and local officials as well as critical infrastructure owners and operators in cybersecurity. We continue to invest in—to provide additional——

Mr. KEATING. No, I understand that, Madam Secretary. But, you know, why are you cutting where we know with certainty the response is coming from?

Secretary NIELSEN. So I——
Mr. KEATING. Those are wonderful things.
Secretary NIELSEN. Yes.
Mr. KEATING. But——
Secretary NIELSEN. But those do that. The——
Mr. KEATING. But these are the first responders——
Secretary NIELSEN. Right. But that is what the——
Mr. KEATING. That are going to be there.
Secretary NIELSEN. That is what all those programs do. They help local communities and first responders be ready to respond.
Mr. KEATING. But these are tried and tested.
Secretary NIELSEN. Exercises and training.
Mr. KEATING. And save lives.
Secretary NIELSEN. Yes, they are.
Mr. KEATING. Those things that I mentioned have all saved lives. So with a culture of preparedness with emerging threats, how is that greater? How are we safer with that?

Those are critical monies to police, fire that they cannot do on their own. It includes regional kind of preparedness. So I will leave it with that. But I am concerned, and I think I am not alone on this committee on both of the aisle in terms of that concern because we have seen the effectiveness.

If I could shift very quickly, one other area. President Trump in his private life, even though he is President, he continues in his private life and his private business life to take advantage of H–2B visas for his personal businesses. They are there for him. They are not there for everyone right now because of the demand.

I represent a seasonal area where small businesses really rely on this. Under the Bush administration, they merely raised the cap. Under the Obama administration, they raised the cap several times in the past responding to this demand.

But you have had the opportunity to deal with it, and the small businesses in my district are telling me that the way that rolled out last year, the regulations, the uncertainty, the burdens on a small business were so great that they did not even dare and they were being advised by their own attorneys even not to enter into it.

Now could you tell us the time frame for acting on these additional H–2B visas? The clock is ticking and businesses are losing money. American jobs are being hurt by this because by not hiring a full complement of workers, they are closing down for weeks that they would normally be open. Days that they would be open. So it is hurting American jobs as well.

Why if we are going to roll this out, why could not we just do what President Bush did, what President Obama did and just raise the cap on returning workers? Those are the safest workers. You do not see returning workers overstaying their visas. We have a problem with that in other visas.

But these are people that have a history of working, by the way, paying into Social Security, and have a benefits that they are going to realize. Going home and then coming back. They are safe. This is tried and tested. This is common sense.

Why cannot the Department simply have the cap raised on returning workers and deal with this in a timely fashion, and not

leave so many revenues that would be important for our economy wasted and lost? Now, it does not affect the President but it is affecting people in my district. Could you——

Secretary NIELSEN. Yes, sir. So as you know we did raise the cap last year. I worked into——

Mr. KEATING. Yes, but excuse me. But——

Secretary NIELSEN. Yes.

Mr. KEATING. I told you what my businesses are telling me loud and clear. Many of them would not even take advantage of it because supposedly a pro-business friendly administration made it so uncertain and they would not even dare try. They just shut down for weeks. So——

Secretary NIELSEN. Sure.

Mr. KEATING. I know you did it last year. I am asking you——

Secretary NIELSEN. No, I——

Mr. KEATING. Not to do it the same way this year.

Secretary NIELSEN. Yes. So the reg is done. The reg actually was a result of talking to many Members who have a concern in their district, and the concern was that the visas were being given to those who are not seasonal workers. We unfortunately have seen an increase in fraud, so what the reg was meant to do was to get——

Mr. KEATING. Again, excuse me. But that is an enforcement issue. So the answer to better enforcement——

Secretary NIELSEN. No, no, no, it is not enforcement——

Mr. KEATING. Is these are better enforcement is not to scuttle the program, not to make it ineffective.

Secretary NIELSEN. Yes. Right.

Mr. KEATING. It is to do better in enforcement. You know, the clock is ticking.

Secretary NIELSEN. Yes, I would ask Congress to act. I mean I personally worked into the wee hours of night to try to get this addressed in the omnibus. It is Congress' job to legislate immigration. I have asked repeatedly for you to put the cap in law and for you to put in law that returning workers that come back——

Mr. KEATING. Excuse me, again, if I could amplify that.

Secretary NIELSEN. Sure.

Mr. KEATING. Eighty-nine Members, bipartisan Members that signed a letter asking the leadership to do that. Now they did not. They gave you the authority again as they did before. But within that authority, you still have the ability to do it. So——

Secretary NIELSEN. Yes. So the visas should be——

Mr. KEATING. So I am asking you to do it.

Secretary NIELSEN. The visas should be——

Mr. KEATING. And act in a timely way and a way that businesses can take advantage of this.

Secretary NIELSEN. I agree. There is no reason to have a visa program that puts Americans' businesses out of business. That is not the intention.

Mr. KEATING. Well——

Secretary NIELSEN. We are working, we should have it——

Mr. KEATING. If you could get back to me on that, I would really appreciate it. Thank you, Madam Secretary.

I yield back.

Chairman MCCAUL. The gentleman yields.

Gentleman from Pennsylvania, Mr. Perry is recognized.

Mr. PERRY. Thank you, Mr. Chairman.

Madam Secretary, you have a tough job, and we appreciate your service. I got four questions. I am going to try and ask them all, and there is a little narrative with each one for context, and then I am going to let you answer and try and be respectful of everybody's time.

Some cases in the past including Iraqi refugees living in Bowling Green were arrested in 2011 and a Saudi immigrant living in Oklahoma arrested in February of this year demonstrate how individuals have been able to make it through DHS vetting despite being associated with terror groups.

In both of these cases, derogatory information was then later discovered in DOD databases showing that the men in both cases were linked to al-Qaeda. Ensuring the battlefield data is available for DHS vetting is essential for Homeland Security.

The question is essentially will the proposed National Vetting Center created by this administration in February of this year prioritize addressing this vetting vulnerability, and how you feel about that, if you think that is going to be adequate?

Question No. 2, what is DHS doing to collect DNA from non-U.S. persons being detained under the United States laws, understanding that there is a requirement that the collection of the DNA from detainees to send to CODIS for law enforcement purposes?

Question No. 3, many Americans hope we end the catch-and-release program, but it seems the current ICE parole policy is almost a definition of catch-and-release, and that parole policy is not codified in law. That was enacted under the last administration and can be un-enacted so to speak under the current administration.

People with valid claims of asylum should receive it, but those who claim it unlawfully should not be paroled into our country where we rely on those individuals who were unlawful and dishonest to willingly reappear or appear at a hearing.

Then question No. 4, I have the privilege of chairing the Oversight Management and Efficiency Subcommittee. As the name might suggest, one of the roles is to look into what sort of financial waste could be eliminated in DHS.

In this Congress we have held hearings on the consolidation of St. Elizabeth's campus, integration and updating of financial systems for some of the components at DHS, which is currently, I might add, undergoing its fourth iteration and failure. Some of the cumbersome character fitness examinations processes that contractors undergo before they can work on some project.

Here is the problem, ma'am, none of these things are particularly headline-grabbing topics. They are not real sexy. While I know that the country has, and you have much bigger fish to fry, they remain systemic problems year after year.

I am just wondering, you know, let us just pick like—if we look at the individual disparate parts, they all seem to be doing their job and doing it fairly well, but the integration component where leadership is required to bring them together never seems to somehow come through.

The question is this, does the agency have benchmarks in that regard for Congress to evaluate not only integration but some of these other problems and the successes? I stand ready to re-ask any of those questions if you have not gotten them.

Secretary NIELSEN. Thank you. In the National Vetting Center, the short answer is yes. That is exactly what it is created to do, it is to use both high-side information and information from our allies to help us continuously screen those who seek benefits. As you say, unfortunately, sometimes between the initial screening and the granting of a status or a benefit, additional information comes to light that would necessitate us changing the original determination. So——

Mr. PERRY. We know it is hard to be perfect. But we——

Secretary NIELSEN. Yes. No, that is not——

Mr. PERRY. We want to strive for that, right?

Secretary NIELSEN. You know, we continue to expand so called HSPD–6 agreements, which is an agreement with a foreign country to provide known and suspected terrorist lists. We have over 60 now. We continue to work with all of our allies to implement the U.N. Security Council 2396, which as you know would include that transmission of, you know, passenger name record information.

The second one, the DNA. So yes, it is required in law, but as you also know, a waiver was signed between then-Attorney General Holder and then-Secretary Napolitano exempting most of DHS from that.

Mr. PERRY. But don't we want to side on law enforcement and collect that DNA while we have those people? I mean I know there is a waiver, but shouldn't we——

Secretary NIELSEN. Yes. So we are working with the attorney general currently to form a pilot to start doing that, to start collecting the DNA so that we do have——

Mr. PERRY. When do you have an expected start date?

Secretary NIELSEN. We are working on the pilot right now, so I can get back to you——

Mr. PERRY. Oh, the pilot is occurring right now?

Secretary NIELSEN. Yes, sir. Well, we are in the planning stages and we are doing it in batches. So as you know, some of it is the processing, we want to make sure the chain of custody. And——

Mr. PERRY. OK. Yes.

Secretary NIELSEN. But, yes, happy to get right back to you on that.

Mr. PERRY. I want to keep the conversation open on that.

Secretary NIELSEN. You got it.

Mr. PERRY. All right?

Secretary NIELSEN. The third one, ICE parole. So we have eliminated what we call administrative catch-and-release, which I believe is what you are talking about.

Mr. PERRY. So you come and you claim a credible fear, right?

Secretary NIELSEN. Oh, I am sorry. OK.

Mr. PERRY. Yes.

Secretary NIELSEN. So if you claim a credible fear, you do then go into the asylum process. If it is deemed that you have a credible fear, you then go through an immigration judge and go through the——

Mr. PERRY. Right, right. But in the past there was not the parole situation, right? So you claimed a credible fear, we detained you to determine, really, do you have a credible fear? If you did not then it was essentially fraudulent, and then we had the opportunity to send you back to wherever you came from because that was erroneous, right?

But now people know that they can claim a credible fear. We will parole you, right? You are released out into our country and then we never see you again. We do not know whether you had a credible fear.

It seems like the current parole policy is actually a magnet. People know that, and they know they can just come and claim it and they will be paroled, and they will never have to answer for that parole. That is what I think most of my constituents that are interested in ending catch-and-release are concerned about.

Secretary NIELSEN. Understood. Part of that is detention bed capacity. So if you are not a flight risk, there are a limited number of people who are provided essentially monitoring ankle bracelets so that we can track them in different systems when we detain them and we do not have those beds.

Mr. PERRY. Do you need more money for ankle bracelets? Is that——

Secretary NIELSEN. Oh, we need more money for detention beds. The numbers keep going up and——

Mr. PERRY. Can we use the ankle bracelets if you are going to detain—if you are going to parole these people? Is that viable? Is it not viable? Do they take them off? Or what is the story there?

Secretary NIELSEN. They can evade them, yes, sir. So it does help us. It is not a silver bullet. But in terms of numbers and if we need more, happy to get back to you on specific——

Mr. PERRY. Yes, ma'am.

Secretary NIELSEN. Numbers on that. The last one was St. E's, but more broadly integration. You know, Unity of Effort should not be a—it is not a destination. It is a constant endeavor. We have developed some benchmarks internally. Everything from measurements to performance controls, internal controls to work on joint task force to eliminate inefficiencies. Happy to give you more some stuff on that.

Mr. PERRY. Yes, can we get that information?

Secretary NIELSEN. Happy to.

Mr. PERRY. Thank you, ma'am.

I yield, sir.

Chairman MCCAUL. Chair recognizes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here. I apologize, initially, I was not sure I recognized. But when they brought up the Norway—you not knowing Norway was a Caucasian country, then I remember. I knew who you were. We have had——

Secretary NIELSEN. You know, that is a funny one. I am very proud of my heritage but I am an American. All Scandinavian countries are not the same. I was not going to, the way the question was asked, testify under oath to something that I cannot guarantee was right.

Mr. PAYNE. I understand.

Secretary NIELSEN. So I am not really sure why that became a story. I do not know why it would be a requirement of the Secretary of Homeland Secretary to know the racial makeup of every country. I do not use screening based on race, religion, or creed. But thank you for raising that again, sir.

Mr. PAYNE. As we have had to do in other committees, reclaiming my time, I would think that it—I just saying how I remember who you were and identify related with that. Let me ask you also, since we are on the topic, the wall is something that seems very important to many people in this country, would you agree?

Secretary NIELSEN. Yes, sir.

Mr. PAYNE. Who is going to pay for it?

Secretary NIELSEN. The President continues to ask Congress to appropriate, and so we thank you for the funds this year. As you know we have $1.6 billion requested in 2019.

Mr. PAYNE. But during the campaign, who was going to pay for it?

Secretary NIELSEN. I cannot speak to the campaign, sir. But right now we have given you are budget request.

Mr. PAYNE. No, I will tell you. I did not even watch that much. Mexico was going to pay for the wall. How much have we gotten from Mexico for the wall?

Secretary NIELSEN. We have, as I said, continued to work with you all to request money in the budget to build the wall system.

Mr. PAYNE. Not Mexico?

Secretary NIELSEN. We have requested the money from Congress through the appropriations process.

Mr. PAYNE. OK. Well, I heard a lot about Mexico paying for it. I just wanted to be clear.

You know, there are a lot of issues in TSA with low morale. I can see why. What are you doing in terms of looking at this issue in your organization, you know, when it comes to employee satisfaction, with their job, their pay, organization, and their willingness to recommend their organization as a good place to work?

Secretary NIELSEN. I think morale is a multifaceted issue, one that we must take very—it is very critical. We must look at it very importantly. I think helping to understand the mission and your part in the mission is part one of morale.

Making sure that you have the training, that you understand what is available to you for retirement. Understanding the mobility that you might have within an organization. These are all things that are important.

Communications from leadership I find to be very important. I do not expect employees to learn about things in the news. I hope to always keep them in the loop and help them to understand what it is that we do on a day-to-day basis.

Mr. PAYNE. There seems to be question of consistency in training new TSA officers, TSOs, as opposed to old TSOs not getting the same training, and therefore creating gaps in the system which they are working in.

Also issues around, you know, not enough TSOs that they can even take bathroom breaks where I have even had a report of a TSO having an accident on herself because they were not allowed

to leave their post. Now that is going, you know, you know, a bit too far where, you know, people cannot do bodily functions because they are not allowed to leave their post. That is something I think that really needs to be looked into and addressed.

We have to make this situation where people want to come to work. They are on the front lines. They are doing difficult work with people that are not necessarily always patient with the processes we have to go through in order make sure that they are safe.

So there is a lot of stress on these officers, and so we need to do what we can to identify ways of making this circumstance a little more palatable for them throughout the course of their shift.

I see my time is up, and I will yield back.

Secretary NIELSEN. Sir, if you could provide me the name of that employee, I am happy to personally look into that. That is not an acceptable situation.

Mr. PAYNE. Yes, yes. I was shocked by that myself. So I will try to get that information to you.

Secretary NIELSEN. Thank you. Thank you.

Chairman MCCAUL. The gentleman yields.

The gentleman from New York, Mr. Katko, is recognized.

Mr. KATKO. Thank you, Mr. Chairman.

Thank you for your testimony today and it is good to have you before the committee. I do, however, want to echo the sentiments of my colleague earlier today, the Ranking Minority Member because it is a problem that preceded you at the agency and that is basically ignoring deadlines, both statutory and our Congressional deadlines.

I was a Federal prosecutor for 20 years and I would not dare ignore a deadline set by a court, and I see the same obligation with respect to your agency.

We had a similar problem with respect to TSA, and we have had some very frank discussions on my subcommittee, Oversight, of the TSA. I dare say that they have improved dramatically with respect to honoring deadlines.

The culture that preceded you nevertheless is under you, watch now, and I would implore you to follow the deadlines. I do not think they are optional and I do not think responses such as we will get back to you are acceptable. I think that that is a bipartisan feeling and especially when it is a statutory deadline. That is law.

I would ask that you treat that with less cavalierly and understand that those are deadlines that should be answered. Now——

Secretary NIELSEN. Sir, if I could.

Mr. KATKO. Yes.

Secretary NIELSEN. I apologize if I misspoke earlier. All I was trying to suggest is that I cannot give you today a specific date, so I would get back to you on giving you a specific date. I completely understand what you are saying and you have my commitment to work not only with TSA but throughout the Department to meet all statutory deadlines.

Mr. KATKO. That is all we are asking. Thank you very much.

Secretary NIELSEN. I understand.

Mr. KATKO. Now, switching gears, with respect to the border, and I have spent a lot of time down there as a Federal prosecutor

in El Paso going after cartel-level members and I saw the border for that sieve that it is.

But I also spend a significant amount of my time as a prosecutor on the Northern Border, and I think it routinely does not get the attention that it deserves. About 95 to 96 percent of the Northern Border is unsecure. I was just wondering how much time have you spent analyzing issue and whether you have had any—whether you have taken a look at the Northern Border threat assessment that was recently done?

Secretary NIELSEN. Yes, and as you know, what comes after that is the Northern Border Security Strategy which we hope to release shortly. We do spend a lot of time talking about the Southwest Border. But we do have issues on the Northern Border.

I was just in Canada Monday/Tuesday talking to my counterparts there about ways in which we can coordinate better on some of the unique aspects on that Northern Border. But, yes, we need to keep that in mind always.

Mr. KATKO. Thank you very much. Switching gears again, during my oversight at TSA, we have had much discussion with the Chairman here as well as others about having the updated technology.

We all know the bad guys are getting more advanced with their technologies especially with respect to aviation and it is quite concerning. We also believe, and I think you will agree, that the CT scanners are a new generation of helping to ameliorate that threat.

Not only does it help ameliorate the threat, it really would expedite throughput at airports which is always a concern, especially coming with the high travel season coming.

There are about 2,500 X-ray machines Nation-wide, and if you replace all those with CTs, what we are doing this year is really kind of a drop in the bucket. We have asked TSA, and I do not know if they are spoke with you yet, about examining whether we should reprogram some of that money from other areas of Homeland Security to plow that into getting more of these CT scanners up and running.

I say that because we saw them first-hand, myself and my colleagues on both sides of the aisle here on a delegation to Europe. They are already on the front lines there. They are already being used there.

I understand the need to test these things, but there must be an expedited way to test them when they are already being used overseas. By the way, they are American companies and they are ready to provide these to you. No. 1, the delay. But No. 2, more importantly, the reprogramming of that money, if you can look into where you can—about reprogramming from other areas of Homeland Security I think it would be a really prudent thing to do.

Secretary NIELSEN. Just to answer quickly. So as you know we did that in 2017. The current plan is if TSA is working as quickly as they can with industry to deploy them, and if in fact they are able to deploy the ones that we have appropriated, we will look to reprogram as we have done before.

Mr. KATKO. Thank you very much. Last, with respect to TSA, there seems to be an on-going practice here, and we have tried hard both in this committee and in my subcommittee to try and stop TSA from having people go through PreCheck lines when they

are not PreCheck registered. The PreCheck is a known and trusted traveler-type program, and it is there for a reason because you minimize a risk because of our involvement in a PreCheck.

The practice started as managed inclusion, then they had body detection officers and they were throwing people into that lane that they should not have been. Now that we told them they cannot do managed inclusion, they cannot do some of the things they are doing, they are just basically calling it by a different name.

We have made it clear to TSA that we are going to introduce some legislation to make it mandatory that you not do that. But I just wondered have you had any discussions with the administrator at TSA about this PreCheck problem?

Secretary NIELSEN. Not this specific problem, no, sir. But PreCheck as you say should be reserved to those who qualify for PreChecks. I will work with the administrator on that.

Mr. KATKO. I am very glad to hear that and I thank you very much for your time.

I yield back Mr. Chairman.

Chairman MCCAUL. Gentleman yields back.

Gentlelady from New Jersey, Ms. Watson Coleman, is recognized.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

Madam Secretary, is this budget your budget?

Secretary NIELSEN. This——

Mrs. WATSON COLEMAN. Did you have anything—did you have any input in this budget?

Secretary NIELSEN. We did, yes, ma'am. So the men and women of DHS put together their request.

Mrs. WATSON COLEMAN. OK.

Secretary NIELSEN. It goes all the way up if you will.

Mrs. WATSON COLEMAN. So this happened under your watch too?

Secretary NIELSEN. This——

Mrs. WATSON COLEMAN. All right.

Secretary NIELSEN. The 2019 budget, well——

Mrs. WATSON COLEMAN. So, you know——

Secretary NIELSEN. As you know, I joined in December so we were already well into the budget——

Mrs. WATSON COLEMAN. I think our greatest value statement is where we are putting our resources, and I am not just 100 percent sure that there is a consistency between where your people or your budget applies its resources and its ability to keep this homeland safe.

With regard to land transportation issues, there is a reduction in the security grants. There is a reduction in the VIPR teams, there is a reduction or elimination of the Law Enforcement Officers grants. There is a reduction in the exit lane staffing. TSO staffing still is somewhere around 2,500 people short.

I do not know how that helps us to be more secure in those areas where we are supposed to be. I do not understand where we are addressing the fact that our subways and our land transportation areas are soft targets and are being targeted.

So I am going to ask that you respond to how this budget, in writing to me because I have got a lot of questions, how these particular issues that I raised are a reflection of more security for our homeland.

I want to know the difference or I want to know if there is a difference between refugees and illegal immigrants as far as you are concerned. I want to know is there a written statement as to what our U.S. policy is on people who are fleeing very dangerous countries, or very oppressive countries, or famine, or whatever versus other types of people who are coming over because I get the sense that we are locking them together.

I am particularly interested in this caravan that is reaching our borders. I got the impression that we think of them as illegal immigrants who are going to come to our border and then we are going to detain them, these are women and children.

Yet, we know who is in that caravan. If we really wanted to know if there is any danger in that caravan, you would have the capacity right now to be vetting some of those people. So I want to understand what your policy is going to be when it comes to that caravan actually coming to our borders willingly acknowledging that they are here and why they are here and what they are looking for. So I would like you to answer that in writing.

I want to understand this policy that we have where since, I guess it is December or October 2017, we have taken more than 700 children away from their families, 100 of those children were under the age of 4, and they have been taken from their parents in immigration detention. I want to know how that makes our country safer and more secure.

I want to know what our policy is with regards to dealing with the trauma that that must inflict upon both these children, these babies and these children, and as well as their families.

I have a question with regard to the Secret Service, I sent a letter asking you all to explain to us the cost associated with protecting the Trump kids going around the world doing Trump business. I need to have an answer to that question.

I want to associate myself with Mr. Katko because I was up there on the Northern Border and a lot of concerns were expressed with regard to trafficking as well as drugs, opioids in particular. It just seems to me that we think that we have this responsibility to the Southern Border and not to any of the other areas.

I guess the last thing I need to understand from you in writing is explain how we are justifying putting additional resources down on the Southern Border, particularly in the form of our National Guard when all of the data that we have been receiving, even data coming from your office is that there has been quite a significant diminishment of people coming across the border.

So what is the justification for putting more people and ramping up the Southern Border as opposed to shoring up some of our other targets, our soft targets? I mean is there really a rationale? Or is this just campaign promises being fulfilled that has absolutely no anchoring in logic or consideration of where our tax dollars are going?

I see that I am over my time, so, Madam Secretary, I would just appreciate it if I could get the answers to all of my questions in writing.

Then, Mr. Chairman, I just would like to acknowledge that I do have two foster daughters here today, Amina and Lauren who are observing democracy in action. Thank you very much.

Chairman MCCAUL. Oh, and welcome to the——

Mrs. WATSON COLEMAN. Thank you, Madam Secretary.

Secretary NIELSEN. Thank you.

Chairman MCCAUL. Welcome to the committee to your stepdaughters. Very nice.

The Chair recognizes the gentlelady from Arizona, Ms. McSally.

Ms. MCSALLY. Thank you, Mr. Chairman.

Secretary Nielsen, good to see you again.

Secretary NIELSEN. Good to see you.

Ms. MCSALLY. Earlier this week, Yuma Sector Border Patrol apprehended 61 people who entered the United States illegally. During an initial interview, one of these individuals claimed to be an unaccompanied minor. He later admitted he was an adult and a part of the MS–13 gang.

UACs from El Salvador and other Central American countries are given different treatment than those from Mexico or other contiguous countries, or Canada, and are allowed to remain in the Unites States only to disappear into the shadows.

We also have some other data points, as you know, that in a joint DHS/DOJ MS–13 operation last year, of the 267 gang members arrested, approximately 25 percent entered the United States as unaccompanied minors. In June 2017, a spot check of one of the HHS facilities that had 138 teens being held, 39 of them, roughly 30 percent, had ties to MS–13 and other gangs.

Is it, in your view, MS–13 is actually using the loopholes in our law in order to send individuals to the United States? There is about 10,000 members of MS–13 estimated in the United States, and their motto is to kill, rape, and control. I just want to hear your perspective on what is going on with MS–13 and how they are using these loopholes in order to further endanger communities around our country.

Secretary NIELSEN. We see them starting in their countries of origin. They recruit young children. They train them. They train them how to be smuggled across our border, how to then join up with gang members in the United States.

We similarly see gang presence within the United States reaching back down into countries within Central America and recruiting and also providing instruction. We see smugglers increasingly smuggle specific to MS–13. We see all of the resulting effects of that from violence in general across the border, but also the drugs and other illicit things that go with that smuggling.

Ms. MCSALLY. Thank you. So I mean, these loopholes we are talking about are very real, right, because you are saying the MS–13 gang members that are here are recruiting minors and they know that they will be able to be let into the United States.

Secretary NIELSEN. Yes.

Ms. MCSALLY. Others, probably that are adults, they either, like in this case, try and pretend they are minors or they tell them to say the right words, right? I have a credible fear.

Secretary NIELSEN. That is right.

Ms. MCSALLY. But then what is happening is they are then being released with a future court date that they never show up for, right?

Secretary NIELSEN. That is right, we estimate we only have 3.5 percent of UACs that are eventually removed because they do not show up.

Ms. MCSALLY. So, you know, closing these loopholes is paramount for security, for our National security, for our public safety. The bill that Chairman McCaul and I have that we have been working diligently with you on, that I know you support, closes these loopholes.

I just really want to urge our colleagues that we have to bring some form of our bill to the floor. This is just one of the many issues——

Secretary NIELSEN. Yes.

Ms. MCSALLY. That we are addressing in that bill to close these loopholes. This is not partisan. This is a public safety, local community, and important security issue that we are trying to address and specifically highlighting this gang issue.

So we also saw in California, according to DHS, 100 gang members, many of which belong to MS–13, were recently released from October 2016 to June 27 because of their sanctuary policies in California.

So you have these gang members and other violent felons, violent criminals, that because of the dangerous policies of California, these individuals are being released back into our communities to be a further danger to our communities instead of being handed over to Federal authorities in prison where it is safer for the community and safer for your agents. Can you just speak to specifically the dangers of that and what needs to be done?

Secretary NIELSEN. Yes. So sanctuary cities began as a sanctuary for victims, as you know. What they have become over time, unfortunately, is a very contorted version of that which is a sanctuary for criminals, and we need to be very clear about that.

Sanctuary city protects criminals. It is not protecting the community. So as I mentioned earlier, what it requires us to do is send our agents not moving from a controlled environment back into the communities, putting that community at risk and other immigrants in that community that are not serious felons and putting my officers and agents at risk.

It does not make any sense. It is a way in which we are pitting blue against blue, Federal law enforcement against State law enforcement where we should all be working together to protect our communities.

Ms. MCSALLY. Great. Thank you for clarifying that, again, because sometimes this gets misunderstood by people as to what the real impact is. Again, cracking down on these sanctuary cities is also in Chairman McCaul's and I bill—in our bill and we look forward to working to move that forward.

I fully support the National Guard being deployed to support border security at the Southern Border. I represent a Southern Border district. Can you just touch on how it is going so far? We would love to have you back to Arizona, would love to host you there in order to be able to talk to the ranchers, local residents, and see how things are going down at the border.

Secretary NIELSEN. Well, thank you for the invite. I try to get to the border whenever I can. It is very important to learn from the

people there who are on the front lines of what works and does not work.

The National Guard, we have about 1,000 deployed. We have around 600 actually active at the, you know, within the border communities. What they are doing is they are supporting CBP so that we have more badges on the border so CBP can go and do their law enforcement mission. So they are helping us with surveillance, intelligence, fleet maintenance, road clearing, all of the enabling functions that helps CBP to do what CBP needs to do.

Ms. MCSALLY. Great. Thank you. I am over my time. I yield back.

Secretary NIELSEN. Thank you.

Chairman MCCAUL. Gentlelady's time has expired.

I did meet with the Orange County Sherriff. It was of interest to me with sanctuary cities. While they are barred by their State law, they do put the ICE detainees on a website that is then used publicly so ICE can make the safe transfer of the prisoner to ICE custody without releasing that criminal alien into the streets. I think that is very innovative.

With that, the Chair recognizes gentlelady from New York, Miss Rice.

Miss RICE. Thank you, Mr. Chairman.

Welcome, Madam Secretary.

Secretary NIELSEN. Good morning.

Miss RICE. I have three questions I will lay out for you and hopefully I am going to do it quickly so you can answer. So my first question is what is your personal opinion in your capacity as Secretary of Homeland Security on whether Russia interfered in our elections in 2016, and the likelihood that they will continue their attack on our democracy in 2018 and beyond? That is No. 1.

No. 2 is earlier this month, USCIS released internal documents pertaining to the decisions and temporary protected status for Haiti. The agency's report stated that many of the conditions in Haiti that prompted the 2010 original TPS designation remained and that country was still vulnerable.

So despite this report, Director Lee Cissna wrote to then-Acting Secretary, Elaine Duke, that Haiti had made enough progress and no longer met the conditions of the TPS designations. So my two questions are why did Director Cissna, if you know, make that recommendation which was clearly in conflict with his own agency's internal findings, No. 1?

No. 2, are there any similar internal reports from USCIS on the TPS designation for El Salvador? If so, if you could provide those documents to this committee?

My last question, when you testified before the House Appropriations Homeland Security Subcommittee earlier this month, you committed to ensuring that, and this is a quote from you, "Any pregnant woman in our care in detention receives adequate care based on the recent change to ICE's policy on detaining pregnant women."

So three questions, which detention facilities currently offer prenatal care? Can you define for me what DHS's definition of, "adequate care" is, and how you as the Secretary intend to ensure each pregnant woman receives it? How will you hold detention centers

and individuals accountable? Finally, what steps, specifically, are you taking to ensure that ICE is meeting the assurances that you made?

Secretary NIELSEN. Thank you. So on Russia, yes, I do not think there is any question. Russia did interfere in our election system through a variety of means. As you know, they released everything from e-mails to foreign influence techniques, used our social media to try to manipulate public opinion. They did, in fact, attempt to undermine our elections by attacking our election infrastructure.

I have no doubt they will continue to try to do this. It is a priority of mine. The portion that we play is to protect—help the State and locals, they have the primary responsibility in protecting the critical infrastructure related to elections, so we will continue to do that.

On TPS Haiti, TPS decisions require us under law to look at, and maybe this is what you are referencing, the originating conditions that necessitated the designation of TPS. If those specific conditions no longer exist, the statute requires us to terminate TPS because it was meant to be a temporary program.

So I am not particularly familiar with the backup work that you referenced. But I can just say broadly, unfortunately, what that means is some countries remain, perhaps unstable and have difficult conditions, but if they are not a result of the originating designation, that designation must be terminated. But——

Miss RICE. I would ask if you could just look into that a little because it——

Secretary NIELSEN. Yes.

Miss RICE. Seemed very clear that the report State—or they say many of the conditions. I do not know if one does not exist that means that it is over, but that seems pretty arbitrary. So if you could just, you know, look for me.

Secretary NIELSEN. I will. I will. I will look into it. With respect to your question for documents regarding to El Salvador, of course, we will be happy to provide any relevant ones.

Neonatal care, so I do take this very seriously. As I mentioned in my last hearing, we do screen for pregnancy for women ages 18 to 56. We put them in a center, if they must be detained, that does provide the neonatal care. I will get you the names of the specific detention.

We provide counseling and we provide access to outside experts. If they seek additional medical guidance or prescriptions or other things they need that we cannot provide, we give them that option.

In terms of how I am making sure they do that, I have had many conversations with the director. We have audits in place. We are taking this very seriously. I just would ask, as I did then, if you have any concerns or specific examples of when that is not occurring to please let me know and we will take that very seriously.

Miss RICE. I will do that. Thank you. I appreciate you following up as we discussed. Thank you very much for the service.

I would just like to note that I think I am the only person that stayed under 5 minutes, Mr. Chairman.

Chairman MCCAUL. I appreciate it.

Miss RICE. Thank you for that, Secretary.

Chairman MCCAUL. Congratulations. Thank you so much for that.

The Chair recognizes the gentleman from New York, Mr. Donovan.

Mr. DONOVAN. I thank you, Miss Rice.

Thank you, Mr. Chairman. Before I begin, I would ask unanimous consent to insert into the record a letter from the Jewish Federations of North America discussing the importance of the Not-for-Profit Security Grant program, a program that has made a big difference to the not-for-profits in my district.

Chairman MCCAUL. Without objections, so ordered.

[The information follows:]

LETTER SUBMITTED BY HONORABLE DANIEL M. DONOVAN

April 25, 2018.

The Honorable DANIEL M. DONOVAN, JR.,
Chairman, Subcommittee on Emergency Preparedness, Response, and Communications, U.S. House of Representatives, Washington, DC 20515.

The Honorable DONALD M. PAYNE, JR.,
Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response, and Communications, U.S. House of Representatives, Washington, DC 20515.

DEAR CHAIRMAN DONOVAN AND RANKING MEMBER PAYNE: We thank you and the members of the Subcommittee, for holding this week's hearing on the current terrorism threat to our Nation's high-risk metropolitan areas and the importance of FEMA's Preparedness Grant Programs to these cities and communities. We would like to take this opportunity to draw attention to the particular threat concerns of the Nonprofit Sector and the importance of the Nonprofit Security Grant Program to our security.

According to the joint statement of Joseph J. Esposito, the Commissioner of the New York City Department of Emergency Management, John Miller, the Deputy Commissioner of Intelligence and Counterterrorism for the New York Police Department, and Joseph W. Pfeifer, the Chief of Counterterrorism and Emergency Preparedness for the Fire Department of New York City, "More than any other place in the world, New York City remains in the crosshairs of violent terrorists." In describing the terrorist plots targeting NYC since September 11, 2001, they noted that major synagogues were targeted. They further testified that while deterrence has kept New York City safe, "the specter of an attack is forever present" and the work "cannot happen without the assistance and aid of the Federal Government."

Similarly, Jared M. Maples, Director of the New Jersey Office of Homeland Security and Preparedness, testified that mass gathering locations are often the primary targets of terrorists looking to cause as much harm as possible, and that a whole community approach is necessary "to demonstrably reduce the risk of successful attacks on soft targets." This is not a new threat concern. To his point, in February 2002, the Associated Press published a translated al-Qaeda training manual that was spirited out of Afghanistan. The manual prescribed that special terror units should work in areas with large Jewish communities: "In every country, we should hit their organizations, institutions, clubs and hospitals." It read further, "The targets must be identified, carefully chosen and include their largest gatherings so that any strike should cause thousands of deaths."

Today, the threat picture is no less disconcerting. According to a recent audit conducted by the Anti-Defamation League, there were at least 1,986 anti-Semitic incidents perpetrated throughout the United States in 2017 (many additional incidents are presumed unreported). This amounted to an increase of 57 percent over the number of incidents reported in 2016, constituted the largest single-year increase on record, and was the second-highest number reported since the Anti-Defamation League began tracking such data in 1979. Moreover, for the first time in nearly a decade an incident occurred in every U.S. State, targeting Jewish schools, community centers, synagogues, cemeteries, museums, public spaces, and private businesses and property. According to the audit, the highest number of incidents took place in New York (380 incidents), and the third-highest number of incidents took place in New Jersey (208).

While the majority of religious-bias threats to the Nonprofit Sector continue to target the Jewish community, mosques, churches and other faith and communal or-

ganizations are high-value "soft" targets, as well. Along with the Jewish community, these other vulnerable communities have too frequently been the victims of arson and fire bombing, shooting and mass shooting, attempted bombing, assault, death threats, vandalism, property damage, and other incidents that have occurred just during the 115th Congress.

With this overview as a backdrop, we are grateful to FEMA Grant Programs Directorate Assistant Administrator Thomas DiNanno for his testimony, which called attention to the significance of the Nonprofit Security Grant Program to its stakeholders, and illustrated the program's value toward improving the Nation's readiness in preventing, protecting against, and responding to terrorist attacks targeting the Nonprofit Sector.

In step with the testimony of Assistant Administrator DiNanno and the panel of New York and New Jersey counterterrorism experts, the threat picture for faith-based and other communal nonprofit institutions is considerable and justifies Congress's continued strong support for the Nonprofit Security Grant Program as a critical component of FEMA's Preparedness Grant Programs.

Thank you for your consideration of our views and for your continued support for the Nonprofit Security Grant Program.

Sincerely,

ROBERT B. GOLDBERG
Senior Director, Legislative Affairs.

Mr. DONOVAN. Thank you.

Madam Secretary, I hate to do this to you, but everybody has been asking you for questions answered in writing, and I have to actually go into the Speaker's chair in about 4 minutes to open up the legislative business. So I would just like to lay out my questions and ask you to do so as well.

Earlier this week, my subcommittee held a field hearing in my district which focused on the importance of Federal counterterrorism support to high-risk urban areas like New York City.

Witnesses representing law enforcement and first responders in New York and New Jersey discussed the importance of intelligence information sharing and the homeland security grant programs to their operations. We must fully fund these grant programs particularly in light of the evolving terrorist threat.

Another topic of discussion at the hearing was the difficulty in securing mass transit systems. The Transit Security Grant program is vital to those efforts, but the overall focus on surface transportation security programs dwarfs that of aviation security.

Our witnesses expressed great concern about mass transit security, and that is a concern I share especially in light of the attempted bombing at the New York City Port Authority Terminal in December. Can you please speak or write to us to what more we can do to enhance the security of this transportation mode? How is DHS supporting information sharing when it comes to threats to mass transit?

My other question would be involving the Countering Weapons of Mass Destruction Office. The President's budget request for that office proposes changes to the Securing the Cities program, a program that has proven very successful in New York City.

We are hearing concerns from securing city jurisdictions about proposed changes in permissible equipment, to whom the equipment would be provided to, and the impact that would have on the jurisdiction's ability to conduct radiological detection in response operations. This committee has long supported the Securing the City's program as it is currently operating, and the House passed my legislation authorizing the program just last year.

My three questions involving that would be what changes is the Department proposing to the program? What outreach have you done to participating jurisdictions to solicit their feedback? How are you addressing the concerns that the Department is receiving from securing the city's jurisdictions?

I thank you for your service to our Nation. I thank you for answering my question. I thank you for indulging me. I have to run.

Secretary NIELSEN. OK.

Mr. DONOVAN. I yield back and, Mr. Chairman, I used less time than Rice did.

Chairman MCCAUL. Yes. You yield back to, for the record, 2 minutes 15 seconds. That is a record I think. So thank you for that.

The Chair recognizes the gentleman from California, Mr. Correa, who I notice brought in three or four children to the hearing?

Mr. CORREA. Yes.

Chairman MCCAUL. I want to welcome them as well.

Mr. CORREA. Thank you. They are all our children. Those are survivors of our veterans that made the ultimate sacrifice——

Chairman MCCAUL. Wow.

Mr. CORREA. Fighting for our freedom around the world. So I thought it was important for them to follow us here and shadow us. So thank you very much, Mr. Chairman, for pointing them out.

Chairman MCCAUL. Yes, and thank you for bringing them.

Mr. CORREA. Thank you, Mr. Chairman and Ranking Member for holding this hearing.

Commissioner Nielsen, again, thank you for being here. I wanted to follow up on some of the comments made by my colleague, Mr. Katko, from New York. I represent California, Orange County, California.

Our Nation's security is very important to my constituents or the constituents to our State. These are issues that are also very important to our taxpayers. Right now, as I travel through our district, which is Democrat and very Republican as well, I do not hear much talk about undocumented workers. As a matter of fact, in Central Valley, I hear the need for more farm workers.

Newport Beach area, I do not hear people talking about the nannies that are undocumented. I do not see that as a complaint. Then in Disneyland, our area is heavy in tourism, I do not hear a lot of people complaining about the undocumented workers, waiters, waitresses, and cooks.

But I will tell you what I do hear complaints about in my district, and I think throughout the country, is this opioid crisis. Some numbers have it as high as 500 percent increase in usage throughout the Nation. Deaths have skyrocketed because of the opioids.

So my question really is according to one of your DHS reports, the Northern Border threat, you have more and more fentanyl, ecstasy coming through Canada. What are we planning to do in the, you know, Northern Border?

As Mr. Katko said, 95, 96 percent of that border is essentially open. So any thoughts about where we are going in terms of protecting our Northern Border?

Secretary NIELSEN. Yes. So as I mentioned, I just was speaking with my colleague in Canada about this, so part of it is the partnership on both sides to make sure that we facilitate legal trade

and travel, but that we reduce any illicit activity including drugs. As you say, opioids continue to be a problem throughout the Nation.

Mr. CORREA. If I may?

Secretary NIELSEN. Please.

Mr. CORREA. What kind of partnerships do we have right now with people north and south of the border?

Secretary NIELSEN. They are strong. They are very strong with the Canadians, yes, sir.

Mr. CORREA. How about with the Mexicans?

Secretary NIELSEN. The Mexicans, we have a strong partnership as well.

Mr. CORREA. OK. General Kelly, who was in your position here a few months back, made some comments, and I agreed on to the affect that if anything gets near our border we have essentially lost a battle.

If we are going to stop terrorists, we have to work with not only the Mexicans, not only the Canadians, but the Brazilians and some Afghanis and some of the others. Are you moving ahead and building those relationships through formalized information-sharing agreements?

Secretary NIELSEN. We are, absolutely. Yes.

Mr. CORREA. So following up on that, we are looking at building a border wall in the Mexican border. I presume we are going to do something like that at the Northern Border as well?

Secretary NIELSEN. Well, we are working with the Canadians, so we still need the——

Mr. CORREA. Are we going to build a Northern Border as well?

Secretary NIELSEN. In some places we need impedance and denial, yes, sir.

Mr. CORREA. So we are going to build a physical barrier as well like the one we have seen on TV at the Southern Border?

Secretary NIELSEN. We do not have a current plan right now to build an equivalent structure that we have on the Southern Border.

Mr. CORREA. Let me ask you, and again, coming back to the opioid issue, before this committee, this Homeland Security was created, 30 years ago we had a lot of our drugs coming into this country through Miami, through Florida. This country did a great job of stopping those trades of illicit drugs through the Caribbean.

What we did is we shifted it inland through Mexico. As a result, we destabilized the whole country with our money that went to buy drugs, weapons, so on and so forth. So as we cut off the Mexico side, are they going to start flowing in through Canada and are they start going in through our sea ports?

I say that to you because here, a few months back, our Coast Guard commandant told us that a couple years ago they identified about 600 known drug vessels bringing drugs into this country, and the Coast Guard did not have the resources to stop, to intercede, to stop those shipments.

So again, as a taxpayer, I am running out of time, my question is, is the money best spent on a border wall, or is it, you know, cooperating with the nations? Or if you had a dollar, where would you spend it?

Secretary NIELSEN. If I had a dollar? I think it needs to be all of the above. I mean, the short answer would be——

Mr. CORREA. But if you had a priority, ma'am?

Secretary NIELSEN. If we have a priority, we have to secure our Southern Border, sir. That is where we see the greatest threat between the two borders.

Mr. CORREA. The threat in terms of?

Secretary NIELSEN. Drug smuggling, terrorist, traffickers, illicit activity, and violence.

Mr. CORREA. Mr. Chair, I am out of time but I would like to have written information on that——

Secretary NIELSEN. Sure.

Mr. CORREA. Compared to what is coming through Canada and through the ports. Mr. Chair, I yield time.

Chairman MCCAUL. Gentleman yields back.

The gentleman from Louisiana, Mr. Higgins, is recognized.

Mr. HIGGINS. Thank you, Mr. Chairman.

Madam Secretary, I appreciate you appearing before myself and my colleagues today. Thank you for your service to our country. I am concerned about authorization of the Department of Homeland Security.

As you know, this committee crafted in the House of Representatives in July 2017 with overwhelming bipartisan support, 386 to 41 by vote, passed the full authorization of the Department of Homeland Security, yet we have seen no action in the Senate and this greatly concerns me and my colleagues on both sides of aisle in the House. How has this lack of action in the Senate injured your ability to serve and protect our Nation, Madam?

Secretary NIELSEN. Well, first of all, I want to continue to thank this committee for your support. It is very important to have this reauthorization. So as you know, it would give us some additional authorities that we need. It would clarify parts of the law. It would clarify our mission sets, and it would give us the ability to more effectively manage to the mission by reorganizing within the department.

Mr. HIGGINS. Centralized command and control, by your definition and by those of us that sit on this committee, we would concur that centralized command and control is crucial to the efficiency of any operation. Would you not agree?

Secretary NIELSEN. I would agree because we do this based on risk. So it has to be a centralized look at risks that we can match the mission set and resources accordingly.

Mr. HIGGINS. So the effect of reauthorization, would you see that as allowing your Department to operate, and all the components that agencies within your Department to operate more efficiently and be better able to serve the Nation and to protect the interest of National security?

Secretary NIELSEN. Yes, sir. Not having reauthorization binds my hands and those of the men and women of DHS.

Mr. HIGGINS. Thank you, Madam. I hope my colleagues in the Senate are listening.

It has been stated by some Members here of this committee today several times regarding the caravan that you know who those people are. I find that difficult to believe, Madam. Is that

true? How is that possible? Have they been vetted? Have they been interviewed by your agents?

Secretary NIELSEN. No, sir.

Mr. HIGGINS. Well, how would you possibly know who they are then?

Secretary NIELSEN. I do not know.

Mr. HIGGINS. Thank you very much for clarifying that. Regarding my colleagues' request for confirmation of your 90 percent number for those that have been issued a citation, it is a summons for court, is that not?

Secretary NIELSEN. Yes.

Mr. HIGGINS. Yes. A summons for court calls for probable cause stating that there has been some criminal act. That criminal act would have been illegally entering out Nation. Is that correct?

Secretary NIELSEN. Yes, illegal entry without inspection.

Mr. HIGGINS. So these illegal immigrants receive a summons for court, and then you are stating that 90 percent do not show up for court. I would like to see the demographics of those numbers as well because I would be surprised if 10 percent show up for court.

During the course of my career as a police officer for over a decade, I have had many interactions with illegal immigrants either in field interviews or by stopping a car with no registration, expired inspections, tag, et cetera. There is nothing that can be done.

You stop these guys. They have no driver's license. Their driver's license is fake. There might be three or four of them in the car. It is pointless to give them a citation for a misdemeanor traffic violation because they are certainly not returning for traffic court.

You cannot tow their car because then they are on foot in your jurisdiction. You get phone calls all night. You cannot bring them to jail because ICE will not come pick them up. So that is what happens to us both, nothing. Whereas an American citizen in the same situation would be cited, issued a summons, or perhaps brought to jail.

So I would be surprised if 10 percent of those that are issued a summons to American court and Federal court for entering our Nation illegally show up. So I would be interested as well to receive the demographics.

Can you respond at all? Do you have those demographics? Who they are, their age, their gender, their nation of origin, whether or not they have an anchor family, et cetera? Can you provide that information?

Secretary NIELSEN. We do have much of that, yes, sir. We are happy to provide it.

Mr. HIGGINS. I would appreciate that. I would certainly be interested in looking at it. Thank you, Madam, for your poise and your grace during your testimony. Your continued service to our country is greatly appreciated.

Mr. Chairman, I yield back.

Chairman MCCAUL. The gentleman yields.

The gentlelady from Florida, Mrs. Demings, is recognized.

Mrs. DEMINGS. Thank you so much, Mr. Chairman.

Thank you to our Ranking Member.

Before I get into my line of questions, Madam Secretary, and welcome, it is good to meet you. I just want to follow up on a ques-

tion that my colleague just asked. Your answer was you have no way to identify who is possibly in a caravan. I just wonder why you did not give that answer to the person who asked you that question?

Secretary NIELSEN. Because he did not ask. It was just part of his speech and I just did not want to interrupt him.

Mrs. DEMINGS. You did not feel the need to clear that? Because that is a major, I think, part. You have cleared up some other things this morning. You did not feel the need to kind-of clear that up just kind-of for the record? No?

Secretary NIELSEN. But I was happy to do it just now.

Mrs. DEMINGS. OK. All right. You know, budgets are certainly, I believe, a list of priorities. Many say that they kind-of express our values. Of the things we have talked about this morning, we have certainly talked about building a wall and even detention beds and immigration enforcement.

When you gave your list of your missions at the Department of DHS, it was listed first on your list. So I would just like to know, do you consider building a wall or immigration enforcement a higher priority than say restoring or increasing grant funding to local communities, local first responders who deal with violent acts and other threats every day?

Secretary NIELSEN. So I think they are both important issues. I mean, I would hope that——

Mrs. DEMINGS. Do you consider one a higher priority? Because that is the business that you are in.

Secretary NIELSEN. Right, so——

Mrs. DEMINGS. It is a tough job.

Secretary NIELSEN. OK. OK.

Mrs. DEMINGS. Let me finish.

Secretary NIELSEN. All right. So, yes——

Mrs. DEMINGS. Let me finish. It is a tough job. I just want to know, do you consider, based on your knowledge, training, and experience, keeping our country safe and secure is a tough but a big job? I certainly believe you are capable of doing that.

I want to hear from you based on your knowledge, training, and experience, do you believe that building a wall or immigration enforcement is a higher priority, because you have to decide how those dollars are spent, than increasing or restoring funding to first responders to deal with, oh my gosh, just a myriad of threats every day?

Secretary NIELSEN. I think that if we can keep the threat out of our country through strong border security, that is the first and best way to help those State and locals prepared. So we see 15 terrorists who are known or suspected who attempt to travel or travel here every day. Border security is homeland security. If I can do my job in keeping them out of this country and thereby helping State and locals in——

Mrs. DEMINGS. Can you tell me how many people have been killed as an act of violence at the Southwest Border during your tenure as Secretary?

Secretary NIELSEN. I cannot, but I am happy to get back to you with that figure.

Mrs. DEMINGS. Can you tell me how many, if any, Custom and Border Patrol officers or agents have been killed at the Southwest Border, or even, let me say this, severely injured at the Southwest Border during your tenure?

Secretary NIELSEN. Sure. Two, and then the assaults are up 73 percent.

Mrs. DEMINGS. OK. So 2 CBP officers have been killed in the line of the duty——

Secretary NIELSEN. Last year, yes.

Mrs. DEMINGS. Last year. But you cannot tell me overall how many persons overall have died at the Southwest Border through acts of violence, of course, have been killed during your tenure?

Secretary NIELSEN. I cannot give you a specific number right now, no, ma'am.

Mrs. DEMINGS. OK. You know, coming from Florida where we just had a school shooting, 14 people died. In Orlando a year-and-a-half ago, we had 49 people who were killed in what we labeled domestic terrorism.

Then folks who were just trying to go and enjoy a concert in Las Vegas died, lost their lives, 58. But you have no idea how many people overall died during your tenure at the Southwest Border.

But you would consider that a greater priority than the 58, the 49, or the 14, those that are classified as domestic acts of terrorism? With your dollars, you believe that putting them at the Southwest Border is a greater priority? How do you justify that? Obviously, you do, but please tell me how you justify that?

Secretary NIELSEN. Sure. I apologize. I am not sure I am following all of the—but what I was saying is border security is a priority. The reason for that is because if we can keep the threat from coming in our borders, whether that is drugs, whether that is terrorists, whether that is TCOs or gangs, then we eliminate part of the threat environment that the State and locals have to deal with. So that is why I was saying border security——

Mrs. DEMINGS. Can you tell me very quickly, because I am from Florida, I think FEMA has, gosh, been criticized quite a bit, as you know, about their response to Puerto Rico and housing has been an issue. You know there are multiple people in hotel rooms. You know, a hotel room, 8 people, 2 beds.

But the program that would assist them has not been utilized to assist—the Disaster Housing Assistance Program. Could you tell me if you have any plans to implement that program to help the victims from Puerto Rico?

Secretary NIELSEN. Sure. So as you know, under the National Disaster Recovery Framework, it is actually HUD that has that recovery function for housing. So we are working very closely with Secretary Carson. Actually, Governor Scott from Florida has been very helpful in providing lessons learned from Florida and what we can apply to Puerto Rico.

Mrs. DEMINGS. So you are working with the Secretary to utilize that program so that we——

Secretary NIELSEN. Of HUD, we are working with him and what he can do within its programs, yes, ma'am.

Mrs. DEMINGS. Do you feel like we are going to be able to reach an agreement?

Secretary NIELSEN. I would refer you to HUD, but I am happy to commit to you to continue to work with HUD.

Mrs. DEMINGS. OK. Thank you.

Thank you so much, Mr. Chairman.

Chairman MCCAUL. Thank you. Gentlelady yields.

The gentleman from, where am I, Nebraska, the General Don Bacon is recognized.

Mr. BACON. Thank you, Mr. Chairman.

Thank you, Secretary Nielsen, for your leadership. We appreciate all the folks that work at Homeland Security and what you are trying to do for our country and keeping us safe. We are grateful.

I want to just follow up on the statement you just made. You just said 15 suspected terrorists try to cross our border every day. Is that correct?

Secretary NIELSEN. Who plan to travel or travel, yes, sir.

Mr. BACON. Right. Could you just detail for us at the unclassified level obviously, how are the Sunni extremists, whether it be ISIS or al-Qaeda, what have you seen with them trying to cross our borders? So if you could just—because I think most people in our country do not realize this effort is going on every day.

Secretary NIELSEN. Yes, sir. Just much more broadly because we are at——

Mr. BACON. Right.

Secretary NIELSEN. An unclassified level as you say. Let me just say that, you know, we have also seen—I am trying to think of what I can say. So we see these numbers in terrorists. We are happy to come and brief you on the breakdown.

What I can also say is ISIS in social media has encouraged its followers to utilize our refugee program to come here. They in writing have encouraged people to come across our Southwestern Border. So we do see an uptick in any type of terrorist groups trying to come here. But I am happy to come brief you on the specific breakdowns.

Mr. BACON. Well, I think it would be important would be at the unclassified level, carefully vetted by you and your team, to put this out to our citizens because I think it is an important topic for our border wall and border security.

But I think a lot of our folks think about the immigration issue when it comes to the wall and it becomes caught up in political controversy. But when you know that there is actual terrorists trying to cross and we have actual data, I think it would help shape this debate in a positive way. That would be my——

Secretary NIELSEN. Thank you for that.

Mr. BACON. My input. On a different topic, we know the Russians and Chinese are working to infiltrate our energy grid. Indeed, you know, the next December 7 will not be zeros with torpedoes coming in at Pearl Harbor. It is going to be preceded by rolling blackouts and the chaos that follows and some of our bases do not have the alternative power.

Could you tell me what is Homeland Security doing to help build that resiliency and protection for our energy grid? How do we defend against this and how can we help?

Secretary NIELSEN. Yes. So I think you described the threat. I agree with your characterization. Unfortunately, itself is persistent.

They are becoming much more nimble and creative. So what we do is we work with a variety of partners. We put out alerts.

We put out a technical alert, a joint one actually with the United Kingdom just last week, about how we have seen nation-states manipulating some of our systems to do some of the things you were just describing. We work very closely with State and local operators in the Department of Energy.

We give them best practices. We share information. We have set up sector gridding councils with governance structures. We also work through fusion centers. But a lot of this is, if you will bear with the expression, basic hygiene.

So we want to make sure that we are raising the level, everything from access control to passwords to basic malware detection. We have a system at DHS called the Automated Indicator Sharing program. We are encouraging more and more companies and entities to do that. So at machine speed we can advise them of incoming threat vectors.

Mr. BACON. Thank you. One last question. We are seeing criminal organizations and terrorists using more encrypted data in their communications devices. It is very hard to penetrate at times. They know what they are doing, and it impacts our law enforcement. What can we do to help you with this? No. 2, how do you partner with, say, DOJ or local and State authorities? Because they are the ones often caught having to deal with this.

Secretary NIELSEN. Yes. As we all know, this is a tough area of how to balance the conversation around encryption. We do work very closely with DOJ. DHS, as you know, we have many, many law enforcement men and women with particular mission sets that require their own use of encrypted data, so we have both sides of the debate, if you will.

Part of this is increasing and going back to human intelligence so that we can really track those that we are trying to track, understand who they communicate with, who they are participating with. We certainly take that approach in TCOs, for example. So some of this is technological solutions and we are working with the private sector on that. But some of it is going to good-old, you know, back to good-old detective work.

Mr. BACON. Let us know, too, how we can facilitate or make this an easier problem for you all to tackle.

Secretary NIELSEN. Thank you.

Mr. BACON. OK.

Mr. Chairman, I yield back. Thank you. I am under my five.

Chairman MCCAUL. Yes, congratulations. Nice job.

The Chair recognizes the gentlelady from California, Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman.

Madam Secretary, did you testify that 90 percent of unaccompanied minors do not show up to court?

Secretary NIELSEN. So I believe what has been referenced is my testimony in the last hearing.

Ms. BARRAGÁN. What was the percentage you said a minute ago? Was it 90 percent?

Secretary NIELSEN. I had not said that, but I think people were quoting me——

Ms. BARRAGÁN. OK. Well, I just wanted to correct the record because there is so much false information that comes out of this administration, and this is one of those. My records, which is the Department of Justice Immigration Court's data, states that 69 percent show up to court.

When unaccompanied minors have counsel, 95 percent show up to court. As somebody who has actually represented an unaccompanied minor in an immigration proceeding, I think maybe that sends a message that we should make sure unaccompanied minors have access to counsel.

Your predecessor, Secretary Kelly, he committed to meeting with the Congressional Hispanic Caucus regularly. Will you commit to meeting with the Congressional Hispanic Caucus regularly like your predecessor?

Secretary NIELSEN. I would be happy to.

Ms. BARRAGÁN. Great. Hopefully, we can get that scheduled soon because I know since you have been sworn in we have not seen you come in yet. So thank you for that.

Back in mid-January, my friend, Senator Cory Booker, had asked if you had met with any DACA recipients. At that time, you mentioned you had not. Have you met with any DACA recipients since that time?

Secretary NIELSEN. I have not.

Ms. BARRAGÁN. Great. Thank you.

My colleague earlier, Miss Jackson Lee, had mentioned this recent court decision that came out this week about DACA applications, and I pulled the decision. Just to clarify for the record, the order says, "DHS must accept and process new as well as renewal DACA applications." This is in the court order.

Now, that is the actual court order. The court order goes on to say that they are going to have a stay for 90 days so DHS can explain why they ended the program because, you know, the court, it was arbitrary and capricious.

Madam Secretary, you are a head of Homeland Security. Do you have a better explanation?

Secretary NIELSEN. I am sorry, for the court's decision?

Ms. BARRAGÁN. Yes. The court decision said——

Secretary NIELSEN. Yes——

Ms. BARRAGÁN. That you had 90 days——

Secretary NIELSEN. Right.

Ms. BARRAGÁN. To better explain why the program ended because what was given before was insufficient. I am asking you——

Secretary NIELSEN. I am sorry.

Ms. BARRAGÁN. Do you have a better explanation?

Secretary NIELSEN. The explanation is very simple. It was an inappropriate use of Executive power.

Ms. BARRAGÁN. Do you have a better explanation? Because the court has already ruled that that explanation was insufficient. Do you have a better explanation?

Secretary NIELSEN. Sitting here today, we are reviewing the court decision, as you know, that just came down and we will be prepared to provide the court the requested information.

Ms. BARRAGÁN. OK. So you do not have one yet? Thank you. Thank you very much.

Secretary NIELSEN. I do not review cases——

Ms. BARRAGÁN. I am looking forward——

Secretary NIELSEN [continuing]. As you know the Justice Department does, so I defer to the Justice Department on arguing the cases on behalf of the U.S. Government as we do with all cases. But we——

Ms. BARRAGÁN. Correct. But the Department of Homeland Security enforces them and I think the court order is very specific that——

Secretary NIELSEN. We will comply. We will provide them the information requested.

Ms. BARRAGÁN. Great. Madam Secretary, you are responsible for more than 240,000 employees at the Department of Homeland Security. Is that correct?

Secretary NIELSEN. Around that, yes.

Ms. BARRAGÁN. Many of those employees have security clearances. Is that correct?

Secretary NIELSEN. Many of them do, yes.

Ms. BARRAGÁN. OK. Back in March, the Ranking Member, Mr. Thompson, and I sent you a letter, this letter that I am holding up here, asking you some questions about your handling of security clearance. You have not responded to that. So I am going to go ahead and see if I can get some answers here today. Were you aware of the allegations of domestic abuse by Mr. Porter prior to his resignation in February 2018?

Secretary NIELSEN. Was I aware? Whatever was in the press is what I was aware of.

Ms. BARRAGÁN. So you are saying as a deputy chief, as a deputy working under Mr. Kelly in the White House that you were not aware of allegations of domestic abuse by Mr. Porter?

Secretary NIELSEN. I was the deputy chief of policy, and so I did not review nor access clearance request records or adjudications. That was not part of my job.

Ms. BARRAGÁN. OK, so the *New York Times* reporting is inaccurate about this, that you as the deputy chief of staff, in November when the FBI had a detailed report that was submitted to the White House, you are saying you did not see it and were not aware of it?

Secretary NIELSEN. I did not see any FBI report. No, I did not.

Ms. BARRAGÁN. OK. So you did not take any action at all regarding Mr. Porter's security clearance?

Secretary NIELSEN. I would not have. That was not in my job description.

Ms. BARRAGÁN. What is the policy at Homeland Security now on interim security clearances?

Secretary NIELSEN. So we look at that very carefully. We restrict access. When somebody has an interim, there is particular circumstances which someone might be granted, but mostly it takes a long time, as you know, to go through the adjudication process, and so we reserve bringing somebody on-board fully in most cases until their clearance is fully adjudicated.

Ms. BARRAGÁN. Great. Can you commit to responding to this letter of March 5 in writing please?

Secretary NIELSEN. Yes, I can.

Ms. BARRAGÁN. Great, thank you.

I yield back.

Chairman MCCAUL. Gentlelady yields back.

The gentleman from Virginia, Mr. Garrett is recognized.

Mr. GARRETT. Thank you, Mr. Chairman.

Thank you Madam Secretary. I want to go quickly first into a particular and specific case with regards to USCIS and a constituent of mine whose initials are J.B. I would like to hold up this documentation that outlines J.B.'s efforts to adopt a young woman from Senegal.

I think he might have had conversations with some of my peers as it relates to this process. I would describe it in the interest of conserving my limited time as tragic and ridiculous what this woman has been through to include over a dozen trips to the nation of Senegal.

An order from NBC, the National Benefits Council under USCIS that suggests that they cannot complete the adoption of this young girl who has known no family but this particular woman in her life while she is in the country, thus regarding or creating a circumstance wherein this 6-year-old child needs to be sent back to Africa to an orphanage so that we can complete the paperwork?

I do not take this tone with you to be derisive, but I would ask for your specific intention. I presume there are individuals who are here with you today who are staffing you. I want to make sure this paper gets in their hand.

Secretary NIELSEN. Yes, sir.

Mr. GARRETT. And ask for your specific attention. This is a tragedy of bureaucracy that has a human toll and impact. Moving on, and so I am going to set it there, please——

Secretary NIELSEN. Yes, you have my commitment to look into that, sir.

Mr. GARRETT. I would genuinely appreciate it, and thank you for all you do. I understand that there is 330 million Americans and this is but one aspiring American, but this is the right thing to do.

Moving on there has been some interest expressed by some of my colleagues in prioritization as it relates to saving American lives. In fact, my good friend and colleague, Ms. Demings, pointed to tragedies in Las Vegas, Orlando, and at Parkland.

Would it surprise you, Madame Secretary, if I were inform you that the Federal Government fatality reporting system indicates that about 20 percent of all automobile accidents fatalities involve illegal—I am sorry, unlicensed drivers and about half of those are illegals?

Secretary NIELSEN. I am not familiar with that statistic, but, no, that would not surprise me.

Mr. GARRETT. Would it surprise you with the number of total people killed, American citizens on American highways each year by illegals is estimated to be in the range of about 3,500?

Secretary NIELSEN. No, it would not surprise me.

Mr. GARRETT. OK. Would it surprise you to learn that in Federal incarceration we have 709,440 illegal people detained? Would that surprise you?

Secretary NIELSEN. No.

Mr. GARRETT. Would it surprise you to learn that the best estimate of State and local incarceration figures for illegals in this country is in the neighborhood of 297,000, thus creating an incarceration of over a million people who were in this country illegally?

Secretary NIELSEN. No.

Mr. GARRETT. Would it surprise you to learn that the cost to incarcerate those individuals in Federal and State facilities exceeds $31 billion, almost $32 billion dollars annually?

Secretary NIELSEN. That is a large number.

Mr. GARRETT. If we had $32 billion dollars annually to construct a Southern Border wall, could we keep those people out of this country, thus reducing the cost to incarcerate, and also saving upwards of 3,500 lives every single year of Americans who die at the hands of people here illegally on U.S. highways?

Secretary NIELSEN. We certainly could keep most of them out if we had a full border system, yes.

Mr. GARRETT. So if we protected our Southern Border and kept these million-incarcerated illegal criminal aliens out of our country, not only would we save lives, but we would also, presumably, if they were not here, they could not be arrested and incarcerated, save about $32 billion dollars a year in 2017 data, if the numbers that I am giving you is correct?

Secretary NIELSEN. Yes.

Mr. GARRETT. Which would amount to over three-tenths of a trillion dollars in a decade. I just like to do this because I am a public-school kid, three thousand, thousand, thousand, thousand, million dollars, that we could save if we built this wall in the front end. OK.

So if we were able to make this one-time commitment to secure our Southern Border would it, in fact, be a net cost-saver paid for by, technically, I suppose, the countries from which these individuals come by virtue of the denial of admission of illegal individuals?

Secretary NIELSEN. It would save lives. It would save money, and it would protect our communities.

Mr. GARRETT. Ultimately, it would be paid for by the folks who currently are breaking our laws by virtue of their absence from our country, thus reducing the cost, would it not?

Secretary NIELSEN. Yes, sir.

Mr. GARRETT. OK. I am just having fun here. I think though that these points are points that need to be made.

As it relates to St. E, and the Homeland facility consolidation plan, I would comment that I am as frustrated as anyone. Having said that, sometimes I think it is time to start anew.

I read the OIG report with jaw agape when I read, "That perhaps too much time, energy, and money was spent on the revitalizing Washington, DC neighborhoods in the St. E. renovations." Is it within the mission of Homeland Security to revitalize Washington, DC neighborhoods?

Secretary NIELSEN. No, sir.

Mr. GARRETT. Is this what the American taxpayer expects their money will be spent on when they support Homeland Security's expenditures in our budget?

Secretary NIELSEN. I highly doubt it.

Mr. GARRETT. I do as well. So I would point out, by virtue of that, I would confess my self-interest in the front-end facilities like, Vint Hill, which are very large former Government facilities located within 53 miles of where we sit, where you could come and build right now, and we would not have the cost overruns litigation that drive costs up. Editorial comment.

Finally, I know I am running over, Mr. Chairman. We included in the authorizing budgetary language the ability to reinstate the waiver for returning workers under H–2B, because we wanted you to be able to do it.

So allow me to join my colleague, Mr. Keating, from the other side of the aisle in saying, please help. It is not about foreign workers, it is about American businesses that have been around for decades that are shuddering because we cannot create a system and circumstance wherein they have reliability and predictability.

Secretary NIELSEN. I understand, and it should be a sustained program.

Mr. GARRETT. I am not, and again, not to attack you.

Secretary NIELSEN. No, no.

Mr. GARRETT. The reason——

Secretary NIELSEN. I agree. I asked for your help in passing it——

Mr. GARRETT. I am all over it.

Secretary NIELSEN. Through Congress so it is a sustained program.

Mr. GARRETT. I agree. However, just because we have not done our jobs yet, does not mean, given that we have given you the latitude within your executive purview to do this that we are not—I am asking you, humbly, to do that. I would point out, finally, that a returning worker by definition is someone who has already demonstrated your willingness to go home. Thank you so much.

Thank you, Mr. Chairman.

Chairman MCCAUL. Gentleman yields back.

The gentleman from Rhode Island, Mr. Langevin is recognized.

Mr. LANGEVIN. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here, and for your testimony here today.

So in your testimony before the Appropriations Committee 2 weeks ago, you stated that the Department is diverting resources to help secure election infrastructure is certain. I applaud the focus on election infrastructure.

Yet, the budget request included a modest $7 million dollar increase for the organization that carries out this analysis and support. I certainly commend the under secretary designate, Krebbs, for his prioritization of election assessments.

But I worry about the strain on NCATs resources, especially since they are responsible for working with other areas of critical infrastructure, making them a priority customers as well. So is the request sufficient to support important assessments in other areas of critical infrastructure sectors?

Secretary NIELSEN. Thank you for the question, sir. So, what we are doing is, we are working—what we did receive in the Omnibus was, I believe 380 that went to EAC, that we will, in conjunction

with them, help State and locals prepare. We also have $26 million that went to NPPD, and we will continue to work with that.

My comments on prioritization were simply that we all, and I know you share this, take the election part very seriously. So in terms of processing vulnerability assessments, sending teams, doing pen testing, providing clearances, we are prioritizing the election's subsector.

We will continue to work with our sector-specific agencies that also bring funding to the fight so that we can, together, have a holistic approach.

Mr. LANGEVIN. All right, so what data are you using to make sure that the NPPD has the resource it needs to respond to other areas of critical infrastructure so that it is not being ignored? Obviously, there is many attack factors that they have to defend——

Secretary NIELSEN. Yes.

Mr. LANGEVIN. Against, and how do we make sure those priority customers are not going to be ignored at the expense of the election security—which I certainly applaud the focus, particularly now, on security election infrastructure, but we also need to be focused on other areas of critical infrastructure.

Secretary NIELSEN. Yes, sir. You have my commitment.

Mr. LANGEVIN. OK. Thank you. Secretary Nielsen, your budget request shifts more than $40 million dollars in cyber research from the science and technology director at the NPPD.

So I want to say up front that I am very concerned about this proposal, and I am skeptical about it. So what gives you confidence that NPPD, which has become primarily an operational organization, has the right tools and the people to take over this responsibility from S&T?

Again, because this is an R&D function, for the most part, which S&T would be the appropriate place to do this, I worry that the high op tempo at NPPD will distract from the R&D work, or that the R&D worker is going to take a backseat.

Secretary NIELSEN. That is certainly not the intention, sir. Actually, it was to more closely align the needs of the critical infrastructure owners and operators in the 16 sectors to an R&D plan. So it was meant to make it more requirements-based. It is a priority to do so. As you know, the threat continues to evolve very, very quickly.

So, we need to be continuing to do R&D as we operate, innovate as we go. So, that was the idea behind moving it to NPPD. But happy to work with you on how we make sure that that is used in the appropriate way.

Mr. LANGEVIN. OK, I just want to be clear. I remain skeptical. This is a——

Secretary NIELSEN. Understood.

Mr. LANGEVIN. Very close and on top of it to make sure that it does not become an afterthought or ignored.

Secretary Nielsen, some of my colleagues have introduced legislation to start a bug bounty program at DHS. Some in your Department have criticized the idea as being premature without robust vulnerability triage processes, and I certainly appreciate the concern.

However, the newly-revised NIST security framework and other international standards, point to having a vulnerability disclosure program. So with or without a bounty as a best practice. The Department of Defense and General Services Administration, have both implemented successful policies.

What in your mind would prevent DHS from having a vulnerability disclosure program that helps well-intended security researches inform DHS about problems in its own systems?

Secretary NIELSEN. So first of all, I agree that I think a bug bounty program is a very important tool. It is not a silver bullet, but nothing is. It is an important tool. We look forward to learning the lessons that DOD has learned in their own.

We are watching the legislation that is going through Congress very closely. We will prepare on our side, to have the resources in planning that we need to then respond to what we find out through the bug bounty program.

Mr. LANGEVIN. OK. But we started to talk about two related, but different things. Yes, bug bounty program, but also a vulnerability as a disclosure vector so that when researches find a vulnerability, they can report it to someone.

Secretary NIELSEN. Yes.

Mr. LANGEVIN. Right now, there is nobody home. In other words, there is the security researchers do not have a way to contact to DHS and make sure that DHS will then follow up on that program.

So bug bounty program is good, I want to say let us do that. But why do not you have a vulnerability disclosure program?

Secretary NIELSEN. Yep.

Mr. LANGEVIN. The Department of Defense does, the General Services Administration does, DHS does not.

Secretary NIELSEN. We do have a way in which they can contact us and actually receive calls very frequently within the NCIC or directly to US–CERT. We are formalizing the program.

Mr. LANGEVIN. OK. US–CERT helps outside agencies, OK. So if someone finds a vulnerability, for example, in medical device. They would call US–CERT, and US–CERT can work to make sure that they are put in touch with the right person at the company to make sure we hear that vulnerability. The problem is, that is not the case. US–CERT does not do that for vulnerability disclosures within DHS.

Secretary NIELSEN. No, they pass it to the correct people. I am just suggesting the different ways that you can get into DHS to report things like that. But we are formalizing the program. It is very important. I do not disagree at all.

We need to be able to not only notify victims, which we do in conjunction with FBI. But we need to in an appropriate way balancing it through the inner agency process, disclose vulnerabilities.

Mr. LANGEVIN. Could you work with us to make sure——

Secretary NIELSEN. Absolutely.

Mr. LANGEVIN. We, that they develop this type of a vulnerability disclosure program at DHS?

Secretary NIELSEN. Yes.

Mr. LANGEVIN. All right. Thank you.

Thank you, Mr. Chairman. I yield back.

Chairman MCCAUL. Gentleman yields. Last but not least, the gentleman from Texas, Mr. Ratcliffe, recognized.

Mr. RATCLIFFE. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here today. I very much appreciate your testimony that you have given on all aspects of how DHS is prioritizing resources to accomplish the President's agenda for safety and security of the American people.

As the Chairman of the Cybersecurity Subcommittee, I want to focus my few minutes with you on this particular area. I will start out by saying, with all due respect to your predecessors, who have had considerable talents and abilities, I am of the opinion that you have brought with you to this office a greater knowledge and appreciation, and are more steeped in cybersecurity than anyone before you.

I want to help you take advantage of that. I know we share the common goal of wanting to improve DHS's ability to impact the Nation's cyber posture and defense because I know we also, I think, agree that cybersecurity poses one of our greatest National security threats right now.

Secretary NIELSEN. Yes, sir.

Mr. RATCLIFFE. So in the spirit in wanting to help you be successful, one of my priorities, early in this term, has been to investigate the Continuous Diagnostics and Mitigation program. We have held two hearings, we have had a number of briefings, countless meetings.

I am of the opinion that CDM is certainly a value-add to our Federal cybersecurity, a way to fortify our Government networks and systems. So let me start out and ask you if you share that opinion?

Secretary NIELSEN. I do. I think it is a very—and part and parcel of one of our tools to find out what is on our network, who is on our network, and as you know, we are moving now, fourth phase toward data.

Mr. RATCLIFFE. So, looking then toward the continued success, hopefully, of CDM, help me make the case to appropriators, to other Members on this committee, as well as to the administration about what we can do to ensure the value of the CDM program so that it is reflected in future budget cycles.

Secretary NIELSEN. Yes. Thank you. So we hope through the newest vehicle, as you know, it is called the defend vehicle, we hope to be much more agile, and we hope to be able to utilize that to not only be up on the emerging threats, but to use it to understand the threat patterns that we can more quickly come to you with requests for additional resources and tools.

Mr. RATCLIFFE. One of the other priorities that the Chairman and I have spent considerable time on, and we will continue to do so, is DHS's cyber work force.

Secretary NIELSEN. Yes.

Mr. RATCLIFFE. In light of the growing cyber threat landscape, I think it is imperative the DHS be properly staffed with an essential cyber work force to meet the cyber mission, and to counter what are, obviously, some very highly sophisticated cyber adversaries.

I know you have not been the Secretary for that long, but early on, are there programs or initiatives that you have identified as being most effective in recruiting and retention?

Secretary NIELSEN. We have. So the NICE, the acronym NICE, program out of NIST and others, which helps us identify the unique school—excuse me, the unique skill sets that we need to hire, is part of it.

But the other part is, helping, frankly, folks within the community understand the mission. When they understand the threat and they understand the mission, I find that they are much more interested in coming to serve their Government. We cannot pay them the same amount, but we can provide them an opportunity to serve their country and to serve a mission.

We are looking at retention, as you know, benefits, different programs, cross-training, what we can do on the back end. We are working on some pilots with industry to cross-train or do exchange so that we can both benefit from that experience.

Mr. RATCLIFFE. While I appreciate that, Madam Secretary, one of the things that we have already done, what Congress did in 2014, was to provide for some accepted service and expedited authorities to address this cyber shortage, if you will, and, you know, the indications are that that really has not been utilized or maximized to the extent that we would hope. Is that something that you are focused on?

Secretary NIELSEN. It is, and I do agree that it has not yet been utilized to the extent that it should be. So, yes, we are actively looking at that. We thank you for that, including the cyber pay that went with that.

Mr. RATCLIFFE. Well again, let me just tell you that I think we have a great opportunity under your leadership and stewardship, to improve the historical reputation of DHS, particularly as it relates to cyber issues. So I pledge to you that I want to help you in that regard to move the needle in a positive and appreciable way. So my door will be open to you in that regard.

Secretary NIELSEN. Well, thank you. I will take you up on that. I appreciate it.

Mr. RATCLIFFE. I yield back.

Chairman MCCAUL. Gentleman yields back. You know, I also want to thank you for your leadership in cybersecurity.

Yours, Madam Secretary.

The Chair recognizes the gentleman from Pennsylvania, Mr. Fitzpatrick.

Mr. FITZPATRICK. Good afternoon, Madam Secretary. Thanks for being here today, and I think we all would agree that you have a very, very tough job. I just want you to know that we do appreciate the work. We appreciate the difficulty and the long hours and the stress. So keep at it. You are doing all right.

I want to talk about school safety. I do not know if my colleagues have addressed this earlier, but certainly there is a local role to play. Certainly there is a State-wide role to play, and the Federal Government also has a role.

What do you view as the responsibility of the Department of Homeland Security in helping us get to the point where we can keep our kids safe and secure in their schools?

Secretary NIELSEN. We actually have not discussed it. So thank you for raising the question. This is a very important topic and one on which we have spent a lot of focus.

So we have created internal to DHS a task force, a working group. As you know, there are many parts of DHS that are part of this mission. So we do everything from active-shooter training to awareness, to helping States and locals build their alert warning capability.

We have also just released a soft target crowded places plan just a couple weeks ago, which goes through best practices on what to do and how to respond. But importantly, how to prepare.

We also are part of the Commission on School Safety that is led by the Department of Education, working very closely with the National Governor's Association and other associations.

So we are sort-of bringing everything we can bring to bear. Information sharing. We do have suspicious activity reporting, as you know. So we are updating that process. Working with the State and locals training. So it kind of goes on and on. But, yes, you have a full commitment from DHS.

Mr. FITZPATRICK. Is there a lack of funding that we need to be aware of?

Secretary NIELSEN. Much of this is what we already do, so it is just bringing it to bear and expanding the circles in which we have traditionally provided this information and this training, this exercises, et cetera. But if I find any, I will be happy to reach out to you and let you know.

Mr. FITZPATRICK. Sure. I appreciate it.

Second, and I know this has been discussed, but I want to raise it independently is the aviation security piece. We talked about the transition from the AT to the CT screening devices.

Ideally, I mean, we want these in all of our airports, right? I think there is 450 or so in the country—airports that we have. I certainly hope that on this committee, that cost is never an issue here, because I cannot—with all the tens of billions of dollars we have spent on aviation security, I think this is money well-spent.

My question is, is there any concern about the deployment and the time it would take, given that there is only five or so suppliers of these types of machines? So even if we had the full financial commitment, and the commitment of DHS to implement, are we looking at a lag time just based on the pure supply issue and the number of machines that we would need?

Secretary NIELSEN. There is a supply issue. We are working very closely with industry to speed up the deployments. But that is what I mentioned before. Our hope is that we do deploy the full amount that we have asked for in fiscal year 2019, and that we come back with a reprogramming request to do more. So part of this is not partnership with industry, and helping them in every way possible to go faster. It takes both of us together.

Mr. FITZPATRICK. I yield back, Mr. Chairman.

Chairman MCCAUL. Gentleman yields back. I think the Ranking Member would like to make some closing remarks.

Mr. THOMPSON. Thank you, Mr. Chair.

I have a record signed—for the record a letter signed by a number of Members of this committee, both Democrat and Republican,

talking about the H–2B visa program, and its speedy implementation of it for this year, in fact you are signatory on the letter to the Secretary. I hope we will get some response.

I have a letter from a constituent who had a business for quite a while, utilizing this program and is threatened to be closed because of their inability to access workers for this program. So I would like to submit these two for the record.

Chairman MCCAUL. Now without objection, so ordered.

Mr. THOMPSON. Thank you.

[The information follows:]

LETTER SUBMITTED BY RANKING MEMBER BENNIE G. THOMPSON

March 30, 2018.

The Honorable KIRSTJEN NIELSEN,
Secretary, U.S. Department of Homeland Security, Washington, DC 20528.

The Honorable R. ALEXANDER ACOSTA,
Secretary, U.S. Department of Labor, Washington, DC 20510.

DEAR SECRETARY NIELSEN AND SECRETARY ACOSTA: Now that the Consolidated Appropriations Act for fiscal year (FY) 2018 has been signed into law, we urge you to take decisive action without delay to ensure small and seasonal businesses in our states can get the workers necessary for a successful season. Due to the time-sensitive nature of seasonal businesses, we also urge you to take immediate steps to re-open the petition process and adjudicate any pending labor certifications that demonstrate the requirements set forth in this legislation. We believe your Departments can take these actions, using the authority provided under this law, without the need for additional rulemaking.

Under Division M, Extensions, Title 11, Section 205 of the FY 2018 Consolidated Appropriations Act (P. L. 115–141), the Secretary of Homeland Security, in consultation with the Secretary of Labor, has the authority to approve petitions for admission under the H–2B Nonimmigrant Temporary Worker program up to the new statutory level set in the bill for the current fiscal year.

Small and seasonal businesses help our local communities thrive. In fact, small businesses across the country often rely on seasonal H–2B workers to help them operate during their peak seasons throughout the year. As you know, the statutory allocation for H–2B visas for the current fiscal year was reached on February 27, 2018. As a result, many small businesses are left unable to get the workers they need, leading to potential reductions in operating hours or closures. Under the authority provided by Congress, the Department of Homeland Security can immediately help businesses hire the workers they need and help local economies as they head into their peak seasons.

We encourage you to make efforts to allow for efficient processing of additional H–2B visa applications and request that you inform us as soon as possible as to the process you will use to issue additional H–2B visas and the number of additional H–2B visas you intend to issue. This will not only help to alleviate concerns among employers, but it will also reduce the inevitable time-consuming inquiries to your agencies. By taking the necessary steps now, your agencies can streamline the process and help employers get their employees sooner.

Thank you for your attention to this important issue. We thank you for your consideration of this request and urge that you act as soon as possible.

Sincerely,

Jack Bergman
Steve Chabot
Andy Harris, M.D.
William R. Keating
Chellie Pingree
Ralph Abraham, M.D.
Mike Bishop
Lisa Blunt Rochester
Susan W. Brooks
Anthony G. Brown
Ken Buck
Michael E. Capuano
Jim Renacci
Tom Rice
Thomas J. Rooney
John H. Rutherford
Tim Ryan
Mark Sanford
Pete Sessions
Carol Shea-Porter
John Shimkus
Bill Shuster
Chris Stewart
Steve Stivers
Scott Tipton
Dave Trott
Mia Love
Frank Lucas
Tom MacArthur
Thomas Massie
David B. McKinley, P.E.
Patrick Meehan
Paul Mitchell
John Moolenaar
Markwayne Mullin
Richard M. Nolan
Erick Paulsen
Stevan Pearce
Mike Simpson
Jared Polis
Mike Coffman
Tom Cole
Chris Collins
Barbara Comstock
K. Michael Conaway
Ryan A. Costello
Kevin Cramer
Carlos Curbelo
Diana DeGette
Mike Doyle
Blake Farenthold
Ed Perlmutter
Thomas A. Garrett, Jr.
Bob Gibbs
Trey Gowdy
H. Morgan Griffith
Clay Higgins
Bill Huizenga
Bill Johnson
Filemon Vela
David P. Joyce
Adam Kinzinger
Ann McLane Kuster
Doug Lamborn
Leonard Lance
James R. Langevin
Robert Latta
Billy Long
Fred Upton
David G. Valadao
Tom Marino
Ann Wagner
Tim Walburg
Peter Welch
Brad R. Wenstrup
Robert Wittman
Kevin Yoder
Lee Zeldin
David N. Cicilline
Michael T. McCaul
Claudia Tenney
Bruce Poliquin
Tom Emmer
Steve Knight
Rob Woodall
Mike Johnson
Frank A. LoBiondo
Andy Barr
Bill Flores

E-MAIL SUBMITTED BY RANKING MEMBER BENNIE G. THOMPSON

WEDNESDAY, APRIL 25, 2018 AT 5:21:59 PM

Subject: *H2B Cap Relief*
Date: *Tuesday, April 10, 2018 at 2:05:02 PM Eastern Daylight Time*
From: *Heather Walker*
To: *Henderson, Claytrice*
Hello Claytrice,

I seriously can not thank you enough for taking my call and listing to the concerns for the H2B program. First, I would like to personally assure you and Congressman Thompson that we would much rather hire US workers since the H2B program is such a large expense for a small business. However, after running job advertisements in the local paper as well as through the WIN Job center we have had ZERO applicants over the past two years! So, we truly have no other option but to apply for guest workers through the H2B program!

We were so excited to see the wording for the H2B cap relief in the Omnibus bill signed on March 23rd. We finally thought YES, WE ARE GOING TO BE ABLE TO

GET OUR WORKERS! However, we quickly learned just because the wording was included in the bill didn't necessarily mean Secretary Neilson would release them. The wording in the Omnibus bill for the maximum amount would satisfy the demand for all. As the Spring season advances we are sitting here struggling to keep our heads above water. I understand we are just a small business, but it takes all the small businesses as well as the larger corporations to keep America and the Mississippi Delta going!

We have been in business for over 21 years, and we have grown our business into a business in which we are very proud. We have worked hard for everything we have, and now we are at a point where we are going to have to choose which accounts to release due to the lack of workers. This is not fair to us, our customers or our US workers. With us having to scale our business back it will also effect the economy of our community. We try to buy everything we can locally from equipment, supplies, fuel, parts, etc. Our business provides business to other businesses. It is so dishearten to feel as though you have worked so hard for something and now it is just slipping away!

So, my request is to Please, Please, Please ask Congressman Thompson to ASK Secretary Neilson to release the VISAs as soon as possible!!! This will be the only way we can sustain our business!!!!!

SINCERELY,
Heather and Bob Walker

Chairman MCCAUL. I mean, I am glad you raised that issue. I have had a lot of Members come up to me asking about the H–2B program. Would you mind addressing that, and what is the current status?

Secretary NIELSEN. Sure. So we have finalized, as you know the law requires us to recruit the Department of Labor. We have done that. We have met with, and I have talked to a variety of Members of Congress, Ranking, who share your concerns. They have very specific companies within their districts who are at threat to go out of business if they do not receive additional visas.

So we are very aware. We have finalized our recommendation. It is working its way through the process. But we hope that we will be able to issue additional visas next month.

Chairman MCCAUL. OK. Excellent. Let me also mention—I know UAS did not come up today, but I know it is a very important issue to both of us and in the United States' security. These drones crossing across the border and domestically, it poses a grave threat. I can assure you that we are working on draft legislation right now, and working with your staff, Madam Secretary, to accomplish that goal.

So I want to thank you for being here. I want to also thank you for your public service. You know, it is a tough job, and I think a lot of people look at Homeland Security, and all they think of is border and immigration, and yet, it is so many other things, as well, that you have on your plate. I want to work with you to make your job successful.

So with that, the hearing record will be open for 10 days if there are any additional questions. Without objection, the committee stands adjourned.

[Whereupon, at 12:43 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN MICHAEL T. MCCAUL FOR HONORABLE KIRSTJEN M. NIELSEN

Question 1a. Definition and Country List: In general, a Special Interest Alien (SIA) is a migrant from a country outside the Western Hemisphere with terrorist or security concerns who travels through the Hemisphere to the United States.

Does the U.S. Government or DHS have an official definition for the term "Special Interest Alien?" Do the DHS components utilize a uniform definition?

Answer. Response was not received at the time of publication.

Question 1b. Does DHS maintain an official list of countries considered "special interest" and what is the context of such a designation?

Answer. Response was not received at the time of publication.

Question 1c. How does the definition and country list, or lack thereof, impact the interagency effort to combat this threat? What are the workarounds, if any?

Answer. Response was not received at the time of publication.

Question 2a. Current Threat: Last year, former Secretary Kelly and then-Acting Secretary Duke emphasized the threat from SIAs, especially the connection with terrorists, transnational criminal organizations (TCO), and weapons of mass destruction (WMD). In September 2017, Sec. Duke stated that "TCOs pose a persistent National security threat to the United States. They provide a potential means for transferring weapons of mass destruction to terrorists or for facilitating terrorists' entry into the United States. We have already seen aliens with terror connections travel from conflict zones into our Hemisphere, and we are concerned that TCOs might assist them in crossing our borders."

Has there been any change to the threat or DHS's view of the threat?

Answer. Response was not received at the time of publication.

Question 2b. Is there anything else you would like to add to your comments about the exploitation of these illicit migration routes by smugglers, terrorists, and TCOs?

Answer. Response was not received at the time of publication.

Question 2c. What is being done at DHS to counter the threat posed by SIAs?

Answer. Response was not received at the time of publication.

Question 3a. Repatriation: There are numerous security and cost-saving benefits to third-country repatriation of migrants, where for example, Panama or Colombia is able to repatriate migrants back to their home countries before they even reach the United States.

What is the current status of third-country repatriation?

Answer. Response was not received at the time of publication.

Question 3b. What can the United States do to improve and support this process?

Answer. Response was not received at the time of publication.

Question 3c. Is it a funding/resource issue or a capacity issue for these countries?

Answer. Response was not received at the time of publication.

Question 3d. What are the proper roles of DHS and the State Department in this effort? Is there communication between the two?

Answer. Response was not received at the time of publication.

Question 4a. Information Sharing: As you know, information sharing is an essential component of combatting terrorism and transnational crime, especially the sharing of biometric information. The Biometric Identification Transnational Migration Alert Program (BITMAP) and the Biometric Data Sharing Program (BDSP) are two critical programs that enable the U.S. Government and partner nations to identify such threats.

What is your assessment of the current relationship between DHS and the State Department in identifying SIAs and related threats, especially regarding biometric information sharing?

Answer. Response was not received at the time of publication.

Question 4b. Besides BITMAP and BDSP, what are other key DHS and State Department programs that facilitate SIA identification?

Answer. Response was not received at the time of publication.

Question 4c. What is the current information-sharing strategy across the U.S. Government to ensure that information is best gathered and shared to counter this growing and dynamic threat?

Answer. Response was not received at the time of publication.

Question 4d. How does DHS work with the State Department and the intelligence community in the Western Hemisphere to stop nefarious actors before they reach our borders?

Answer. Response was not received at the time of publication.

Question 5a. Relationships: Efforts to combat terrorism and transnational crime often rely on strong relationships with our foreign partners.

How would you characterize the U.S. Government's relationship with Mexico, Central America, and South America in the identification of SIAs?

Answer. Response was not received at the time of publication.

Question 5b. How can we improve these relationships?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR HONORABLE KIRSTJEN M. NIELSEN

Question 1. Reports indicate that since October, U.S. Customs and Border Protection has forcibly separated more than 700 migrant children from their family members along the Southern Border. More than 100 of those children are under the age of 4. How many of the 700 cases since October have proven to be confirmed instances where human traffickers attempted to use children to cross the border and gain illegal entry? Please provide relevant information on any such cases.

Despite Department of Justice statistics to the contrary, you testified that 90 percent of unaccompanied minors never show up for their scheduled court dates. Please cite the relevant data and explain in writing how you arrived at this percentage.

The vast majority of property along the Southwest Border is owned by States, Tribes, and private citizens. In Texas, the Federal Government owns just 100 miles of the 1,254-mile border. How much land DHS will need to take from private citizens to build the border wall system? What is the expected cost?

Answer. Response was not received at the time of publication.

Question 2. Please provide a status update on the statutorily-mandated delivery of the Quadrennial Homeland Security Review. When will it be delivered to Congress?

Answer. Response was not received at the time of publication.

Question 3a. On March 19, 2018, The Center for Constitutional Rights and Color of Change filed a lawsuit against DHS to release the contents of the agency's redacted memo entitled the "Race Paper."

What were the origins of this paper?

Answer. Response was not received at the time of publication.

Question 3b. What DHS office produced it? Who signed off on the paper?

Answer. Response was not received at the time of publication.

Question 3c. Does this paper provide a framework for evaluating the alleged radicalization of black activists or the surveillance of protected speech and activism of black activists and allies? If so, what is the framework?

Answer. Response was not received at the time of publication.

Question 3d. What surveillance tactics does this paper recommend, offer, or provide to DHS?

Answer. Response was not received at the time of publication.

Question 3e. Does this race paper provide classifications of Domestic Terrorists/Terrorism? If so, what are they? How are they determined?

Answer. Response was not received at the time of publication.

Question 3f. Was the "Black Identity Extremism" report influenced by this "Race Paper" or vice versa?

Answer. Response was not received at the time of publication.

Question 4a. I am concerned about the disproportionate number of lobbyists President Trump has put in political positions and the potential for conflicts of interest and corruption, despite his campaign promise to "drain the swamp." Between 2012 and 2017, 7 political appointees at TSA had relationships with 27 organizations that could trigger recusals under ethics rules. In just over a year since President Trump took office, 9 individuals who could have conflicts with 70 organizations have already cycled through TSA as political appointees.

How have recusals affected the Department's ability to carry out its mission effectively?

Answer. Response was not received at the time of publication.

Question 4b. Please provide the names of DHS political appointees and the issues from which they have been recused.

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE LOU BARLETTA FOR KIRSTJEN M. NIELSEN

Question 1a. Secretary Nielsen, can you detail why significant investment in border infrastructure is necessary and essential to our National security?

Answer. Response was not received at the time of publication.

Question 1b. How will a secure border help enhance the efficiency of immigration and save taxpayer dollars?

Answer. Response was not received at the time of publication.

Question 2a. On a different note, following the tragic shooting in Parkland, Florida, I called for schools to be classified as "critical infrastructure." Currently, sectors ranging from casinos and concert venues to water treatment facilities and banks fall under this designation.

What steps are the Department taking to better secure our schools?

Answer. Response was not received at the time of publication.

Question 2b. Do you believe that schools should be classified as critical infrastructure; if not, what would prevent them from being labeled such?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE SHEILA JACKSON LEE FOR KIRSTJEN M. NIELSEN

Question 1. Please explain what the Department intends to do to address assaults on Border Patrol agents. What would you recommend Congress do to support these efforts?

Answer. Response was not received at the time of publication.

Question 2. Please provide my office with an update on the Department's effort to reopen and review Jose Escobar's deportation case.

A third court ruled against the administration's decision to rescind the Deferred Action for Childhood Arrivals (DACA) program in April. U.S. District Court Judge John Bates said that the DHS's legal explanation for its decision to end DACA was "arbitrary and capricious." If DHS does not come up with a strong explanation for the rescission within 90 days, the entire program will be restored. Do you have a stronger explanation for the rescission of this program?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE JOHN KATKO FOR KIRSTJEN M. NIELSEN

Question 1a. Can you describe the current relationship for testing new equipment between DHS S&T and TSA?

Answer. Response was not received at the time of publication.

Question 1b. Are there any cost-sharing programs that allow both organizations to mitigate overall financial exposure?

Answer. Response was not received at the time of publication.

Question 1c. Is DHS working to improve overall collaboration for research, design, testing, and evaluation of new technologies across all DHS components?

Answer. Response was not received at the time of publication.

Question 2. As you may be aware, TSA currently has used a personalized training screening tool for X-ray machines. As TSA moves to CT, does TSA have plans to adapt these training tools for CT?

Answer. Response was not received at the time of publication.

Question 3a. You mentioned in your remarks, preparedness programs save approximately 4 times as much money when compared to response programs. As you may be aware, up-State New York has been hit with several successive storms that fail to reach the designated minimum threshold.

Does DHS, through FEMA, plan to reassess this minimum?

Answer. Response was not received at the time of publication.

Question 3b. Does DHS have any plans to support areas that are hit by several successive severe weather patterns but fail to reach the minimum about for the DRF?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE JAMES R. LANGEVIN FOR KIRSTJEN M. NIELSEN

Question 1. You have recently spoken about the importance of maintaining resilience in our Nation's critical infrastructure. What specific operational role do you envision for the Department in building resiliency into our critical infrastructure?

Answer. Response was not received at the time of publication.

Question 2a. As you, Under Secretary-Designate Krebs, and Assistant Secretary Manfra have all recently testified, the prioritization of risk and vulnerability assessments (RVAs) for election systems has come at the expense of RVAs for other critical infrastructure sectors and Federal agencies.

How many critical infrastructure and Federal agency RVAs have been delayed as a result of prioritization of election-related RVAs?

Answer. Response was not received at the time of publication.

Question 2b. What is the expected length of the delays to these RVAs?

Answer. Response was not received at the time of publication.

Question 2c. What critical infrastructure sectors and agencies have had their RVAs delayed?

Answer. Response was not received at the time of publication.

Question 2d. When do you expect the backlog of RVAs to be cleared?

Answer. Response was not received at the time of publication.

Question 2e. What additional resources would NCATS require to meet the increased demand from States and localities for RVAs, without this impact to other critical infrastructure sectors and Federal agencies?

Answer. Response was not received at the time of publication.

Question 3a. One of DHS's key tools in ensuring the cybersecurity of Federal networks is the Binding Operational Directive, of which DHS has released only 6 since 2015.

How does DHS go about crafting these Directives?

Answer. Response was not received at the time of publication.

Question 3b. What—if any—other agencies assist in that process?

Answer. Response was not received at the time of publication.

Question 3c. What threshold of concern does DHS use to decide a Binding Operational Directive is necessary?

Answer. Response was not received at the time of publication.

Question 3d. How effective have DHS's and OMB's efforts been to hold agencies accountable for satisfying the requirements in those directives?

Answer. Response was not received at the time of publication.

Question 4. Much of DHS's mission requires close coordination with other agencies, especially with respect to cybersecurity. How has the Department's ability to synchronize its cyber mission with other agencies been affected by the recent high rate of turnover at the National Security Council?

Answer. Response was not received at the time of publication.

Question 5. You recently spoke about two roles the Government plays to improve National cybersecurity. The two roles, which I agree are critical, were equipping suppliers to make their products and services more secure, and educating the public to become more security-conscious consumers. One role you did not endorse is the Government's responsibility to ensure our critical infrastructure remains secure. Do you believe DHS has sufficient authority to hold operators of critical infrastructure accountable for implementing adequate cybersecurity controls?

Answer. Response was not received at the time of publication.

Question 6a. In this year's FISMA report card, the DHS Inspector General rated the Department not effective in 3 of 5 cybersecurity functions: Protect, detect, and recover. It would seem important for DHS to have its own cyber house in order before advising others on their security. Given the importance of these findings,

What specific actions are you taking to correct these deficiencies?

Answer. Response was not received at the time of publication.

Question 6b. How frequently are you being briefed on progress?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE DANIEL M. DONOVAN, JR. FOR KIRSTJEN M. NIELSEN

Question 1a. Secretary Nielsen, earlier this week, my subcommittee held a field hearing in my district, which focused on the importance of Federal counterterrorism support to high-risk urban areas, like New York City.

Witnesses representing law enforcement and first responders in New York and New Jersey discussed the importance of intelligence information sharing and the homeland security grant programs to their operations. We must fully fund these grant programs, particularly in light of the evolving terrorist threat.

Another topic of discussion at the hearing was the difficulty in securing mass transit systems. The Transit Security Grant Program is vital to those efforts, but the overall focus on surface transportation security programs dwarfs that of aviation security. Our witnesses expressed great concern about mass transit security, and that is a concern that I share, especially in light of the attempted bombing at the New York City Port Authority Terminal in December.

Can you please speak to what more we can do to enhance the security of this transportation mode?

Answer. Response was not received at the time of publication.

Question 1b. How is DHS supporting information sharing when it comes to threats to mass transit?

Answer. Response was not received at the time of publication.

Question 2a. The President's budget request for the Countering Weapons of Mass Destruction Office proposes changes to the Securing the Cities Program, a program that has proven very successful in New York City.

We are hearing concerns from Securing the Cities jurisdictions about proposed changes in permissible equipment, to whom that equipment would be provided, and the impact that would have on jurisdiction's ability to conduct radiological detection and response operations.

This committee has long supported the Securing the Cities Program, as it is currently operating, and the House passed my legislation authorizing the program last year.

What changes is the Department proposing to the program?

Answer. Response was not received at the time of publication.

Question 2b. What outreach have you done to participating jurisdictions to solicit their feedback?

Answer. Response was not received at the time of publication.

Question 2c. How are you addressing concerns that the Department is receiving from STC jurisdictions?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE WILLIAM KEATING FOR KIRSTJEN M. NIELSEN

Question. Please provide the time frame DHS is using to comply with the requirement included in the fiscal year 2018 omnibus to increase the caps on H–2B visas, specifically for returning workers.

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE JOHN H. RUTHERFORD FOR KIRSTJEN M. NIELSEN

Question 1a. We have 14 ports in Florida that bring people and cargo from around the world into Florida, including Jaxport and the Port of Fernandina in my district. It is vital that these ports are properly staffed to ensure the safety of our Nation. Currently across Florida, Customs and Border Patrol agents are working overtime, moving between airports and seaports to ensure coverage.

Are there plans to hire more CBP staff to help secure our ports of entry?

Answer. Response was not received at the time of publication.

Question 1b. How long do you expect it to take to resolve this staffing shortage?

Answer. Response was not received at the time of publication.

Question 2a. As we work to secure our Southwest Border with barriers and technology, people will look for other ways to move contrabands into the United States, including by sea. The CBP Air and Marine Operation, stops unlawful cargo and people from reaching our shores.

What are the current needs for staffing and training in this division of CBP?

Answer. Response was not received at the time of publication.

Question 2b. What is the outlook for this division; do you think there will be a need for increased staffing in this Department in the coming years?

Answer. Response was not received at the time of publication.

Question 2c. If we are expecting a shortage what resources can we give to help bolster this division to try and prevent problems like we are seeing in other parts of CBP?

Answer. Response was not received at the time of publication.

Question 3. In regards to port safety, there was a rule issued by the Coast Guard in 2016 that would require certain facilities to begin electronic inspections of Transportation Worker Identification Credentials (TWICs) by August 2018. However there have been concerns raised about the viability of these scanners, and the ability of people to move easily between TWIC-secured areas of the port and less secure areas.

Does CBP have plans to address these concerns?

Answer. Response was not received at the time of publication.

Question 4a. There has been concern among ports in Florida that as expansions happen, valuable space within newly-constructed areas is being used by the CBP and Coast Guard for things not related to the immediate security of the port, such as gyms and unrelated offices. While I recognize the importance of having a strong Coast Guard and CBP presence in close proximity to the port, it is important that valuable space within in these facilities are used for port- and security-related activities.

Are the Coast Guard and CBP able to effectively do their jobs if they are in a space outside of port property but nearby with easy access?

Answer. Response was not received at the time of publication.

Question 4b. Would you support Coast Guard and CBP having two locations, a smaller place for necessary port functions on port property, and other ancillary services in a location off property?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE BONNIE WATSON COLEMAN FOR KIRSTJEN M. NIELSEN

Question. How does the Department of Homeland Security distinguish between asylum seekers and immigrants seeking entry illegally? What is DHS's justification for changing its policy toward asylum seekers, particularly families and children, and in light of the trauma separation will inflict?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE KATHLEEN RICE FOR KIRSTJEN M. NIELSEN

Question 1. You stated before the House Appropriations Homeland Security Subcommittee that the law restricts your ability to extend Temporary Protected Status, arguing that if the effects of the originating event do not continue to exist then the Secretary of Homeland Security must terminate this protection.

In mid-April, a report produced USCIS in October 2017 was obtained by the National Immigration Project of the National Lawyers Guild through a Freedom of Information Act request. This report concluded that underlying conditions that warranted TPS for Haitians have persisted. Yet, DHS chose to terminate TPS for Haiti. Can you please explain this contradiction? What additional information or other reason did the USCIS Director have that allowed him to disregard the findings of this internal report?

Answer. Response was not received at the time of publication.

Question 2. In light of this discrepancy, I request that you provide us with the USCIS reports and other used to assess conditions in the other countries with TPS and DED status as well as any related memos prepared by Director Cissna.

Answer. Response was not received at the time of publication.

Question 3a. When you testified before the House Appropriations Homeland Security Subcommittee earlier this month, you committed to ensuring that "any pregnant woman in our care in detention receives adequate care" based on the recent change to ICE's policy on detaining pregnant women.

Which detention facilities currently offer prenatal care?

Answer. Response was not received at the time of publication.

Question 3b. Can you please define for me what DHS's definition of "adequate care" is and how you, as the Secretary, intend to ensure each pregnant woman receives it?

Answer. Response was not received at the time of publication.

Question 3c. What steps, specifically, are you taking to ensure ICE is meeting the assurances you made?

Answer. Response was not received at the time of publication.

Question 3d. What steps are you taking to hold accountable detention centers or individuals when "adequate care" for detained pregnant women is not provided?

Answer. Response was not received at the time of publication.

Question 4a. There have been numerous recent reports regarding poor conditions in ICE detention facilities, specifically regarding allegations of sexual harassment and assault. Late last year, the OIG published a report that found poor conditions in five detention centers that they investigated, including cases of detainee physical abuse by staff members.

Given that ICE is detaining more vulnerable individuals, including the elderly and disabled, what additional protections are you putting in place to ensure the safety of the individuals detained by ICE and ensure they are not subject to any type of abuse by ICE agents, contractors, or fellow detainees?

Answer. Response was not received at the time of publication.

Question 4b. What has been done to address the concerns raised in the OIG report?

Answer. Response was not received at the time of publication.

Question 4c. What steps are you taking to investigate allegations of sexual assault while in detention?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE J. LOUIS CORREA FOR KIRSTJEN M. NIELSEN

Question. Please provide data and any other relevant information on the threats to our Northern Border compared to our Southern Border, specifically regarding drug smuggling, traveling known or suspected terrorists, other illicit activity, and violence. Please provide this information for activity both at and between ports of entry along both borders.

Answer. Response was not received at the time of publication.

