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TESTIMONY  
OF  
THE HONORABLE JOHN F. KELLY  
SECRETARY  
U.S. DEPARTMENT OF HOMELAND SECURITY  
REGARDING A HEARING ON  
*“ENDING THE CRISIS: AMERICA’S BORDERS AND THE PATH TO SECURITY”*  
BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOMELAND SECURITY

Tuesday, February 7, 2017 at 10:00 a.m.

210 House Visitors Center  
Washington, DC

## **INTRODUCTION**

Mr. Chairman, Ranking Member Thompson, and distinguished Members of the Committee:

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

Over the past 45 years, it has been my privilege to serve my nation as both an enlisted Marine and an officer. I have worked with our allies across agencies, the private sector, and with independent experts to identify innovative, comprehensive solutions to current and emerging threats. These assignments—while varied—share the common characteristics of working within and leading large, complex, and diverse mission-focused organizations while under great pressure to produce results.

I am humbled to once again to be called to serve, this time with the men and women of DHS. As a Department, we face diverse challenges and adversaries that do not respect our rule of law or our borders. As Secretary, you have my commitment to tirelessly protect our country from threats, secure the border, and enforce the law while expediting lawful trade and travel. In pursuit of those missions, please know that I take seriously our legal responsibilities to balance the security of our homeland with the protection of privacy, civil rights, and civil liberties.

### **The President's Executive Orders**

During his first two weeks in office, President Trump issued executive orders to secure our borders, enforce our immigration laws, and protect the nation from foreign terrorist entry into the United States. The President has gotten right to work, fighting on behalf of American families and workers—and these moves will strengthen our national security.

The purpose of the order on border security is to direct executive departments and agencies to deploy all lawful means to secure the nation's southern border, prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

This executive order establishes the foundation for securing our southern border by providing the tools, resources, and policy direction for DHS's dedicated men and women who are responsible for securing the border—to prevent illegal immigration, drug and human trafficking, and acts of terrorism. In accordance with existing law, DHS is immediately taking all appropriate steps to plan, design, and construct a physical wall along the southern border, using the materials and technology that will most effectively achieve operational control of the southern border. In addition, DHS is immediately taking all appropriate action to ensure that the parole and asylum provisions of federal immigration law consistently applied with the requirements of the law, and not exploited to prevent the removal of otherwise removable aliens.

The executive order on interior immigration enforcement provides DHS with the tools it needs to enforce federal immigration laws within the United States. It will remove many of the obstacles that have been making it more difficult for the dedicated men and women of U.S.

Immigration and Customs Enforcement (ICE) to carry out their mission, which includes arresting, detaining, and removing illegal aliens from the United States. Essentially, it will restore the highly successful Secure Communities Program, which allows ICE to target more easily criminal aliens for removal.

A third executive order, signed by the President on January 27, will protect all Americans from certain foreign nationals who intend to commit terrorist attacks in the United States by preventing such individuals from exploiting our immigration laws. The order suspends entry into the United States from Iran, Iraq, Somalia, Sudan Syria, Libya and Yemen until we complete comprehensive review. It directs federal agencies to implement uniform screening standards across all immigration programs. It suspends the Refugee Admissions Program for 120 days, giving us time to assess the vulnerabilities in the program and establish additional procedures to ensure refugees admitted do not pose a threat to national security or public safety. It orders completion of the biometric entry-exit system. It also ensures that applicants for visas are personally interviewed before their visas are approved in compliance with Section 222 of the Immigration and Nationality Act.

As the President has stated, “Homeland Security is in the business of saving lives, and that mandate will guide our actions.” These executive orders further that goal by enhancing border security, promoting public safety, and minimizing the threat of terrorist attacks by foreign nationals in the homeland. More important, however, these executive orders emphasize the rule of law as a bedrock principle of our immigration system and provide clearly defined consequences for those who would violate our laws.

### **Border Security and Immigration Enforcement**

As a nation, control of our borders is paramount. Without that control, every other form of threat—illicit drugs, unauthorized immigrants, transnational organized crime, certain dangerous communicable diseases, terrorists—could enter at will. DHS was created to prevent terrorist attacks against the United States. The principal means of prevention within the United States is effective border control, denying admission to aliens who seek to harm Americans or violate our laws, and countering efforts to recruit individuals to undertake terrorist acts.

Achieving this priority begins with physical obstacles like a border barrier and supporting infrastructure and surveillance capabilities. In this effort, I am committed to executing President Trump’s plan to secure our southern border with effective physical barriers, advanced technology, and strategic deployment of law enforcement personnel. While the presence of physical barriers and additional technology is essential, it must be bolstered by persistent patrol and the vigilance of the dedicated men and women of DHS.

We must augment our expanded border security initiatives with vigorous interior enforcement and administration of our immigration laws in a manner that serves the national interest. This effort will include greater cooperation and coordination between DHS’s operational components, which are responsible for administering immigration benefits and enforcing our nation’s existing immigration laws.

Within DHS and our federal, state, local, and international partners, we must expand our vetting of those seeking to enter our country—particularly of those individuals from high-risk countries—including refugees. We currently lack a comprehensive strategy with uniform screening standards to prevent terrorists from entering the country. Unfortunately, our country has recently admitted some foreign nationals without an adequate understanding of their allegiances and intentions. Additionally, because they are apprehended by DHS law enforcement agents, we know there continue to be any number of so-called “special interest aliens” that make their way into our country illegally each year.

Last year, more than 415,816 migrants, mostly from Central America and Mexico—including over 137,614 unaccompanied children and individuals travelling in family units—were apprehended on our southern border. Many of those arriving at our southern border have fled violence, poverty, criminal networks, and gangs in their native countries. While the vast majority are fleeing violence or seeking economic opportunity, a small number of individuals could potentially be seeking to do us harm or commit crimes. Regardless of purpose or circumstance, the ease with which human smugglers have moved tens of thousands of people to our nation’s doorstep also serves as another warning sign: these smuggling routes are a potential vulnerability of our homeland.

Our vigorous response to these threats must include increased border security infrastructure, personnel, and technology. However, we cannot just play defense in securing our borders. Border security requires a layered approach that extends far beyond our shores, throughout the hemisphere, in partnership with our neighbors to the south and north.

Along nearly 7,000 miles of land border, approximately 95,000 miles of shoreline, and at 328 ports of entry and numerous locations abroad, U.S. Customs and Border Protection (CBP) has a critical role in preventing the illegal entry of people and goods into the United States.

Across the wide expanses of our nation’s land, air, and maritime environments, CBP has worked to address the changing demographics of attempted border crossers and to maintain border security through significant investments in enforcement resources, technology, infrastructure, and enhanced operational tactics and strategy. Through advances in detection capabilities, such as fixed, mobile, and agent-portable surveillance systems, tethered and tactical aerostats, unmanned aircraft systems, and ground sensors, which work in conjunction with tactical border infrastructure and agent deployment, CBP is enhancing its ability to quickly detect, identify, and respond to illegal border crossings.

At our nation’s air, land, and sea ports of entry, more travelers and cargo are arriving than ever before. To maintain the security of growing volumes of international travelers, CBP performs a full range of inspection activities and continues to enhance its pre-departure traveler vetting systems and integrate biometric technologies. CBP has also made significant developments in its intelligence and targeting capabilities to segment and target shipments and individuals by potential level of risk to identify and stop potentially dangerous travelers or cargo before boarding an aircraft or conveyance bound for the United States.

Beyond managing the influx of people and cargo arriving in the United States, CBP is working with other DHS agencies to strengthen its capabilities to identify foreign nationals who

have violated our immigration laws, as well as to track suspect persons and cargo exiting the country. CBP is also leveraging its newly-established Counter Network Program, which focuses on detecting, disrupting, and dismantling transnational criminal organizations, by expanding information sharing, increasing partnerships and collaboration that enhance border security, conducting joint exploitation of intelligence, and co-managing of operations with interagency and international partners. These efforts are building toward a safer and more secure border environment, one that supports the safety and success of each agent and officer in the field.

In the maritime environment, the U.S. Coast Guard (USCG) utilizes a multi-faceted layered approach to interdict threats far from the borders of our nation to combat the efforts of transnational criminal organizations. Targeting the primary flow of illicit drug traffic has a direct and damaging impact on these networks.

Successful Coast Guard interdictions in the maritime transit zones feed a cycle of success—subsequent prosecutions lead to actionable intelligence on future events, which produces follow-on seizures and additional intelligence. Suspects from these cases divulge information during prosecution and sentencing that is critical to indicting, extraditing, and convicting drug kingpins and dismantling these sophisticated networks.

USCG secures the maritime domain by conducting patrols and coordinating with other federal agencies and foreign countries to interdict aliens at sea, denying them illegal entry via maritime routes to the United States, its territories and possessions. Thousands of aliens attempt to enter this country illegally every year using maritime routes, many via smuggling operations. Interdicting these aliens at sea reduces the safety risks involved in such transits. We can quickly return these interdicted aliens to their countries of origin, avoiding the costlier processes required if they successfully enter the United States.

### **Interagency and International Cooperation**

As Secretary, I will advocate for expanding cooperation inside the interagency and with partner nations, particularly Canada and Mexico. Interagency relationships and bilateral cooperation are critical to identifying, monitoring, and countering threats to U.S. national security and regional stability. While DHS possesses unique authorities and capabilities, we must enhance and leverage our coordination with federal, state, local, and tribal partners. The magnitude, scope, and complexity of the challenges we face—illegal immigration, transnational crime, human smuggling and trafficking, and terrorism—demand an integrated counter-network approach.

Regionally, we must continue to build partner capacity. Illegal immigration and transnational organized crime threaten not only our own security, but also the stability and prosperity of our Latin American neighbors. In Colombia, for example, we learned that key principles to defeating large cartels and insurgents are the same as defeating criminal networks: a strong, accountable government that protects its citizens, upholds the rule of law, and expands economic opportunity for all. It taught us that countering illicit trafficking and preventing terrorism often go hand-in-hand, and that U.S. interagency cooperation, coupled with a committed international partner, can help bring a country back from the brink. I believe we can

apply these lessons across our many international partnerships and in furtherance of our government's many missions beyond our borders.

Presently, we have a great opportunity in Central America to capitalize on the region's growing political will to combat criminal networks and control hemispheric migration. Leaders in many of our partner nations recognize the magnitude of the tasks ahead and are prepared to address them, but they need our support. As we learned in Colombia, sustained engagement by the United States can make a real and lasting difference.

## **CONCLUSION**

The security challenges facing DHS and our nation are considerable, particularly along the southern border. We have the laws in place to secure our borders. We also have outstanding men and women working at DHS, and in other federal, state, local, and tribal law enforcement agencies, who are committed to the border security mission. Finally, we now have a clear mission objective and the will to complete that mission successfully. We must accelerate our collective efforts to enforce the laws on the books and support those sworn to uphold the law. You have my commitment to work tirelessly to ensure that the men and women of DHS are empowered do their jobs.

I believe in America and the principles upon which our country and way of life are guaranteed, and I believe in respect, tolerance, and diversity of opinions. I have a profound respect for the rule of law and will always strive to preserve it. As I mentioned in my confirmation hearing, I have never had a problem speaking truth to power, and I firmly believe that those in power deserve full candor and my honest assessment and recommendations. As Secretary, I recognize the many challenges facing DHS and I will do everything within my ability to meet and overcome those challenges, while preserving our liberty, upholding our laws, and protecting our citizens.

Thank you again for the opportunity to appear before you today and for your continued support of DHS. I am confident that we will continue to build upon the momentum by our previous operational achievements around the world. I remain committed to working with this Committee to forge a strong and productive relationship going forward to secure our borders and help prevent and combat threats to our nation.

I would be pleased to answer any questions.