

DEPARTMENT OF HOMELAND SECURITY REAU-
THORIZATION AND THE PRESIDENT'S FISCAL
YEAR 2018 BUDGET REQUEST

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

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DEPARTMENT OF HOMELAND SECURITY RE-AUTHORIZATION AND THE PRESIDENT'S FISCAL YEAR 2018 BUDGET REQUEST

Wednesday, June 7, 2017

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

The committee met, pursuant to notice, at 10:09 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, Hurd, McSally, Ratcliffe, Donovan, Gallagher, Higgins, Rutherford, Garrett, Fitzpatrick, Thompson, Jackson Lee, Langevin, Keating, Payne, Vela, Watson Coleman, Rice, Correa, Demings, and Barragán.

Also present: Representative Bergman.

Chairman McCAUL. The Committee on Homeland Security will come to order. The committee is meeting today to examine the President's fiscal year 2018 budget request for the Department of Homeland Security and reauthorization of the Department. I now recognize myself for an opening statement.

On a sunny Tuesday morning, in September 2001, the American people woke up and started their day as if it were any other. However, after receiving frantic phone calls from loved ones and after gathering around the nearest TV, people all across the country quickly learned that America was under attack.

By the end of the day, the Twin Towers were knocked down, the Pentagon was on fire, and almost 3,000 innocent people were dead.

This was not just an attack on the United States, but an attack on the civilized world, and our homeland was the battlefield. In the aftermath, we asked ourselves how do we prevent this kind of attack from ever happening again?

Our National leaders made many important decisions in response to the 9/11 attacks and one was to create the Department of Homeland Security.

While we are on stronger footing today, we must never forget that our enemies are always trying to bring war back to our Nation's doorsteps. Islamist terrorism continues to spread around the world.

The horrifying attacks in Manchester and London are the latest examples of hateful ideology looking to strike innocent people when they least expect it. Just yesterday we learned, outside of Notre

Dame Cathedral in Paris was another attack and also in Melbourne, Australia.

Drug smugglers and human traffickers also are exploiting our porous borders and nation-states and others are turning digital breakthroughs into digital bombs.

There are many steps we need to take to stay ahead of our enemies. They include reforming and improving the Department of Homeland Security through a first-ever reauthorization bill and making sure that it has a budget with the necessary funds and resources to keep us safe.

Agencies like the DOD are reauthorized every year with structural policy and program direction from Congress. However, DHS does not have the many advantages of routine Congressional direction.

This reauthorization will: No. 1, assert Congress' Article One authority to write laws and give direction to the Department; No. 2, create efficiencies, eliminate, consolidate, and streamline programs and offices; No. 3, protect taxpayer dollars and hold DHS more accountable; and, No. 4, support America's front-line defenders and first responders.

Secretary Kelly, I know your commitment to this process is strong, and I look forward to continuing to work with you on this as we go to the mark-up on the floor. I would also like to thank you for the note in your testimony today about the importance of this endeavor and how it will help authorize and carry out your mission.

A stronger DHS is our goal and the American people deserve no less. Mr. Secretary, as you know, there is a lot of support in Congress for this reauthorization.

At the beginning of the year, chairmen of eight different committees of the House came together and signed a memorandum of understanding in support of this effort under the Speaker's signature and progress is being made daily.

We must also make sure the Department is adequately funded and equipped with the tools it needs to carry out its missions. That is why I was pleased to see the President demonstrate his commitment to the safety of our homeland in the 2018 budget proposal.

It was very reassuring to see that he is keeping his steadfast promise to secure our borders, to make cybersecurity a top priority and support other key security efforts.

Later today, the House will consider legislation sponsored by my colleague and Chairwoman of the Subcommittee on Border Maritime Security, Ms. McSally, that will make it easier to recruit new agents and officers to safeguard our homelands. This bill further demonstrates our committee's focus on securing the border.

I was also encouraged by \$127 million increase for cybersecurity operations at the National Protection and Programs Directorate. Your commitment serves to elevate the cybersecurity mission at DHS will further enhance cyber operations and more effectively secure Federal networks.

From nation-state hacking to brand-name's breaches, our cyber rivals are waging a silent war against us and our defenses. This crisis extends from kitchen tables to corporate board rooms, but I

believe this budget proposal will help provide the tools to better combat these growing cyber risks.

While I am in support of much of the President's budget request, I would be remiss if I didn't express some concern to the cuts to grants and training programs that are vital to our first responders.

As I mentioned earlier, we will address first responder programs in our authorization bill, and I look forward to working with my colleagues to support those who work tirelessly to secure our communities.

Mr. Secretary, I would like to thank you again for joining us here today and for keeping the American people protected. It is something that really unites each and every one of us. We stand ready to work with you and your team to keep this country safe, and as for me, let me just say, we have your back.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

JUNE 7, 2017

On a sunny Tuesday morning in September 2001, the American people woke up and started their day as if it were any other. However, after receiving frantic phone calls from loved ones and after gathering around the nearest TV, people all across the country quickly learned that America was under attack.

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Drug smugglers and human traffickers are exploiting our porous borders and nation-states and others are turning digital breakthroughs into digital bombs.

There are many steps we need to take to stay ahead of our enemies. They include reforming and improving the Department of Homeland Security through a first-ever reauthorization and making sure it has a budget with the necessary funds and resources to keep us safe.

Agencies like the DOD are reauthorized every year with structural, policy, and program direction from Congress. However, DHS does not have the many advantages of routine Congressional direction.

This reauthorization will:

1. Assert Congress's Article 1 authority to write laws and give direction to the Department;

2. Create efficiencies, eliminate, consolidate, and streamline programs and offices;

3. Protect taxpayer dollars and hold DHS more accountable; and

4. Support America's front-line defenders and first responders.

Secretary Kelly, I know your commitment to this process is strong and I look forward to continuing to work with you on this as we go to mark-up and the floor. I'd also like to thank you for the note in your testimony today about the importance of this endeavor and how it will help authorities carry out their mission.

A stronger DHS is our goal and the American people deserve no less.

Mr. Secretary, as you know there is a lot of support in Congress for this reauthorization. At the beginning of the year, Chairmen of eight different committees in the House came together and signed a Memorandum of Understanding (MOU) in support of this effort under the Speaker's signature and progress is being made daily.

We must also make sure the Department is adequately funded and equipped with the tools it needs to carry out its missions.

That is why I was glad to see President Trump demonstrate his commitment to the safety of our homeland in the 2018 budget proposal. It was very reassuring to see that he is keeping his steadfast promise to secure our borders, to make cybersecurity a top priority, and support other key security efforts.

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I was also encouraged by a \$127 million increase for cybersecurity operations at the National Protection and Programs Directorate (NPPD). Your commitment to elevate the cybersecurity mission at DHS will further enhance cyber operations and more effectively secure Federal networks. From nation-state hacking to brand-name breaches, our cyber rivals are waging a silent war against us and our defenses. This crisis extends from kitchen tables to corporate board rooms but I believe this budget proposal will help provide the tools to better combat growing cyber risks.

While I am supportive of much of the President's budget request for DHS, I would be remiss if I didn't express my concern about the cuts to grants and training programs that are vital to first responders. As I mentioned earlier, we will address first responder programs in our authorization bill and I look forward to working with my colleagues to support those who work tirelessly to secure our communities.

Mr. Secretary, I'd like to thank you again for joining us today. Keeping the American people protected is something that unites each and every one of us.

We stand ready to work with you and your team to keep this country safe and we have your back. Thank you.

Chairman McCAUL. With that, the Chair now recognizes the Ranking Member, Mr. Thompson.

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

Let me welcome you, Secretary Kelly, to this hearing. But first, let me begin by expressing my condolences to those who lost loved ones in the terrorist attack in London last week and offer my thoughts and prayers to all those injured.

I join my colleagues in condemning this horrible violence and offering steadfast support to our friend and ally, Great Britain. We remain committed to securing our homeland from such attacks while upholding the values that truly make America great.

Appallingly, in the immediate aftermath of the attack, President Trump used a tragic event as an opportunity to take to Twitter to rant about what he has again admitted, and even boasted, is a travel ban. Only afterward did he express support for the people and government of the United Kingdom.

The President later took to Twitter again, this time to criticize his own Justice Department and a revised travel ban he himself signed after the courts found his initial travel ban unconstitutional.

If the courts were unsure about the administration's intent with the misguided, un-American, unconstitutional travel bans, the President has removed any doubt—quite literally—by his own hands.

Unfortunately, this behavior does nothing to address the very real security challenges we face at this critical juncture in our Nation's history.

Meaningful homeland security policy is not issued in 140-character outbursts. I wish I were more hopeful about the President's ability to lead us in this challenge, but his recent Homeland Security budget request to Congress certainly does not inspire any confidence.

Today, our Secretary of Homeland Security John Kelly is before this committee in support of that budget and the Trump administration's priorities for the Department of Homeland Security. While we are glad to have the Secretary before us, I do not envy the job he has this morning.

The fiscal year budget he has been sent here to defend is, quite simply, indefensible, especially, in light of recent events. Again, the proposal reflects President Trump's fundamental misunderstanding of the Federal Government's role in National security and his misguided priority for protecting the homeland.

The world just witnessed brave first responders coming to the aid of the injured in London and Manchester, yet in his budget request, President Trump wants to gut grant programs that police, firefighters, and other emergency responders across America rely on to help prevent and respond to such attacks.

Specifically, the Trump budget cut \$667 million from grant programs to State and local agencies, including pre-disaster mitigation grants and counterterrorism funding.

While I was home over the weekend, I met with first responders and a lot of them said if that happens, I am not certain that we will be able to keep our State and counties and cities safe because that, in essence, is an unfunded mandate.

That also includes slashing the State Homeland Security Grant Program and the Urban Areas Security Initiative by 25 percent. Every Member of Congress, Democrat and Republican, represents communities that would suffer under these cuts.

President Trump's first budget proposal claims to put us on a path to American greatness, but the only message it sends to our Nation's first responders is you are on your own.

Americans can be assured that Democrats will be fighting in the weeks and months ahead to restore funding for these vital preparedness and response programs. I hope my Republican colleagues will stand united with us in the interest of our first responders and all Americans.

Similarly, at a time when the threats to the homeland are evolving at a rapid pace, President Trump wants to cut the research and development programs that aim to deliver the next generation technologies we need to stay safe.

His budget slashes the Department's Science and Technology Directorate by \$144 million, devastating DHS research and development programs and halting progress on tomorrow's cybersecurity technologies.

Given the cybersecurity threats we face from adversaries around the world, including Russia, China, and others, the administration should be redoubling its cyber investment, not gutting them.

Why does President Trump's budget proposal make cuts to these essential homeland security programs to help pay for programs that score political points with his base, but will do little or nothing to address the real security challenges facing our Nation?

Building a boondoggle border wall that will cost billions and strip land from private property owners, but do little to better secure our Southern Border. Just today, we now hear comments from the White House saying that their wall will now be 50 feet high, so it remains to be seen what happens when that occurs.

Hiring a massive deportation force to tear families apart and take DREAMers and other members of our communities from their homes while ignoring desperately-needed staffing for our Nation's ports of entry, lining the pockets of private prison industry with an additional \$1.2 billion in taxpayers' money to expand immigration detention capacity to its largest size in history.

We cannot afford to squander taxpayers' dollars on programs that fail to address the varied and sophisticated homeland security threats facing our country. We cannot allow political expediency to trump investing in initiatives that are essential to protecting the homeland. The American people deserve better and Congress must do better.

As the budget process moves forward, I look forward to working with my colleagues to provide the Department of Homeland Security with the budget it needs to do the job of securing our Nation.

Thank you, and I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JUNE 7, 2017

I want to begin by expressing my condolences to those who lost loved ones in the terrorist attack in London last week and offer my thoughts and prayers to all those injured. I join my colleagues in condemning this horrible violence and offering steadfast support to our friend and ally Great Britain. We remain committed to securing our homeland from such attacks while upholding the values that truly make America great.

Appallingly, in the immediate aftermath of the attack, President Trump used the tragic event as opportunity to take to Twitter to rant about what he has again admitted, and even boasted, is a "travel ban." Only afterward did he express support for the people and government of the United Kingdom. The President later took to Twitter again, this time to criticize his own Justice Department and the revised travel ban he, himself, signed after the courts found his initial travel ban unconstitutional.

If the courts were unsure about the administration's intent with these misguided, un-American, unconstitutional travel bans, the President has removed any doubt quite literally by his own hand. Unfortunately, this behavior does nothing to address the very real security challenges we face at this critical juncture in our Nation's history. Meaningful homeland security policy is not issued in 140-character outbursts.

I wish I were more hopeful about President's ability to lead us through these challenges, but his recent homeland security budget request to Congress certainly does not inspire any confidence. Today, Secretary of Homeland Security John Kelly is before this committee in support of that budget and the Trump administration's priorities for the Department of Homeland Security. While we are glad to have the Secretary before us, I do not envy the job he has this morning.

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Yet in his budget request, President Trump wants to gut grant programs that police, firefighters, and other emergency responders across America rely on to help prevent and respond to such attacks.

Specifically, the Trump budget cuts over \$700 million from grant programs to State and local agencies, including pre-disaster mitigation grants and counterterrorism funding. That includes slashing the State Homeland Security Grant Program and the Urban Area Security Initiative by 25 percent. Every Member of Congress—Democrat and Republican—represents communities that would suffer under these cuts. President Trump's first budget proposal claims to put us on a path to American greatness, but the only message it sends to our Nation's first responders is: "You're on your own."

Americans can be assured that Democrats will be fighting in the weeks and months ahead to restore funding for these vital preparedness and response programs. I hope Republicans will stand united with us in the interest of our first responders and all Americans.

Similarly, at a time when the threats to the homeland are evolving at a rapid pace, President Trump wants to cut the research and development programs that aim to deliver the next-generation technologies we need to stay safe. His budget slashes the Department's Science and Technology Directorate by \$144 million, devastating DHS research and development programs and halting progress on tomorrow's cybersecurity technologies. Given the cybersecurity threats we face from adversaries around the world, including Russia, China, and others, the administration should be redoubling its cyber investments, not gutting them.

Why does President Trump's budget proposal make cuts to these essential homeland security programs? To help pay for programs that score political points with his base, but would do little or nothing to address the real security challenges facing our Nation:

- Building a boondoggle border wall that will cost billions and strip land from private property owners, but do little to better secure our Southern Border.
- Hiring a massive deportation force to tear families apart and take DREAMers and other members of our communities from their homes, while ignoring desperately-needed staffing for our Nation's ports of entry.
- Lining the pockets of the private prison industry with an additional \$1.2 billion in taxpayer money to expand immigration detention capacity to its largest size in history.

We cannot afford to squander taxpayer dollars on programs that fail to address the varied and sophisticated homeland security threats facing our country. We cannot allow political expediency to trump investing in the initiatives that are essential to protecting the homeland. The American people deserve better and Congress must demand better. As the budget process moves forward, I look forward to working with my colleagues to provide the Department of Homeland Security the budget it needs to do the job of securing our Nation.

Chairman McCAUL. Thank you, Ranking Member.

Other Members are reminded that opening statements may be submitted for the record. Today we are pleased to welcome the Honorable John F. Kelly.

I want to thank you for being here, Mr. Secretary. The witness' full opening statement will appear in the record. The Chair now recognizes Secretary Kelly for his opening statement.

**STATEMENT OF HON. JOHN F. KELLY, SECRETARY, U.S.
DEPARTMENT OF HOMELAND SECURITY**

Secretary KELLY. Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee, every day the men and women of the Department of Homeland Security protect Americans from the threats we face.

So it is a great pleasure to appear before the committee today to talk to you about the tremendous professionals of the Department and the critical missions they carry out in service of America every day and night. That is 365 days a year.

Every citizen of the Nation understands that Federal Government's fundamental responsibility begins and ends with the protection of the homeland and the security of our people. No other mission is as important, no other consideration more pressing.

The President's fiscal year 2018 budget request for the Department of Homeland Security will make it possible for us to continue our current ability to protect our Nation and its people. However, the threats posed by nation-states, non-nation-states, and transnational criminal organizations require us to think very differently about our role at the Department.

We can no longer think in terms of defense somewhere out there. Rather, we must think in terms of the security of the homeland across the numerous domains of a potential attack.

The Department of Homeland Security is making a difference in fighting the home game while the Department of Defense fights the away game. Working together, along with all other agencies of the Federal Government, America is made safer through this process.

Because of the dedication and effective interagency interaction with the DNI, CIA and CTC, FBI, NSA, DEA, ATF and over a billion State, local, and Tribal law enforcement professionals, America today is more secure, better prepared, and more resilient in a way that most could not have fathomed the day before 9/11.

But the plots to attack the Nation are numerous and the perpetrators are relentless. The threats have never been greater. As a result, we need a fully-funded annual budget that matches our mission. No more continuing resolutions, and I think this budget does that.

When you are talking about the President's fiscal year 2018 request for \$44.1 billion in funding for DHS, it is easy to lose sight of what is behind each dollar. But when you get right down to it, behind each and every dollar are hard-working men and women who have dedicated their careers, and in many cases risked their lives, to protect the American people.

Every dollar invested in the men and women of DHS is an investment in prosperity, freedom, and the rule of law. Above all it is the investment in the security of the American people. As far as I am concerned, recent events show that you cannot invest too much in security.

The terrorist attacks on innocent civilians in Kabul, Cairo, South Asia, Manchester, London, and yesterday, Tehran, are all horrific reminders of the dangers we face globally. They show how sophisticated and capable the threat is and how they, the terrorists, think globally in organizing and executing their attacks.

The widely-reported recent cyber attacks on our infrastructure and businesses, the potential plots against global aviation are further examples of the range of threats we now face.

These varied threats also illustrate the need to do everything we can to keep our people safe. That means significantly improving the effectiveness of verifying identities, making sure people are who they say they are before they travel to our country, while at the same time working with our international partners to raise their awareness and raise their defenses and force them to do so if need be.

Domestically, one of the most important enhancements is REAL ID, a requirement passed by the Congress 12 years ago, and which most of our States and territories have taken seriously and already adopted. Many others are still working hard to comply.

In those 12 years since the law passed, some in elected or appointed State and Federal positions have chosen to drag their feet or even ignore this Federal law. I will not.

REAL ID will make America safer. It already has. REAL ID will soon be enforced at our airports and land ports of entry and all Federal facilities.

It is a critically important 9/11 Commission recommendation that others have been willing to ignore, but I will not. I will ensure it is implemented on schedule with no extension for States that are not taking it seriously.

For those States and territories that cannot or will not make the January 2018 deadline, as I have been telling Governors and Members of Congress for months now, they should be honest and encourage their citizens to require other forms of REAL ID-compliant identification, like passports.

Additionally, in all of this we need to prevent bad actors regardless of religion, race, or nationality from entering our country.

In recent years, we have witnessed an unprecedented spike in terrorist travel. There are more terrorist hotspots and foot soldiers today than almost any other time in modern history.

In Syria and Iraq, for instance, we have seen thousands of jihadist fighters converge to fight in the caliphate for more than 120 different countries. As our military and coalition partners take the fight to the enemy in Iraq and Syria, many jihadi fighters are returning home to recruit, plot, and conduct terrorist attacks.

Already they have put many of our closest allies in their crosshairs, and they are targeting our homeland and our interests overseas through a combination of inspired, enabled, and directed attacks.

With this in mind, the President has issued clear direction in the form of Executive Order to the entire Executive branch to improve our vetting and screening standards and to put a pause on the entry of aliens from six countries so we can enhance security throughout.

These are countries mired in civil war whose governments sponsor terrorists or which have been overrun by extremists. They are the same terror hotspots Congress and the previous administration designated in 2015 and 2016 for additional travel scrutiny.

At the time, the Obama administration and Congress believes we needed to focus additional attention on these nations and potentially others so that certain foreign nationals that visited them would receive an extra layer of screening.

It has nothing to do with religion or skin color or the way they live their lives. It is about security for the American people—nothing else.

While some are endlessly focused on which label to apply to a single portion of the President's E.O., the quarter of a million professional men and women I have the honor of leading, instead focus on the serious work on how best to secure this Nation.

We know that fully implanting the E.O. would clearly and substantially increase our ability to secure the Nation from those who seek to do us harm.

Since the President's E.O. was announced, we have seen a number of terrorist attacks in the West tied back to those countries of concern in some way, as well as clear signs that terrorist groups like ISIS continue to use refugee flows as a Trojan horse to deploy operatives to conduct attacks.

Yet the injunctions currently tie our hands when it comes to guarding against threats from those locations or from deliberate attempts to infiltrate refugee flows.

It is hard for me to imagine that in light of the current high danger levels that are indeed increasing, that any Government entity would prohibit DHS from reviewing the screening of individuals from certain terror hotspots and from putting in place better vetting in high-risk locations.

I can tell you right now because of the court injunctions, for instance, I am not fully confident in our ability to prevent those who seek to do us harm from taking advantage of our generous immigration and visa system.

Critics seem to only think about the temporary suspension of entry from those most problematic of countries. But let me provide a few examples of the kinds of things we cannot do because of these injunctions.

We are prohibited from conducting a world-wide review to identify additional information we need from each country to better determine whether an immigration applicant from that country is a security or public safety threat.

We are prohibited from going to any countries identified as lacking in this review and asking them to provide the necessary information to enhance our vetting and screening of their citizens.

We are prohibited from reviewing the refugee admissions program to determine what additional procedures we should use to ensure that refugees or refugee applicants do not pose a threat to the security and welfare of the United States.

Bottom line, I have been enjoined from doing things that I know would make America safer, and I anxiously await the courts to once again allow the Executive branch to do its Constitutional duty and protect Americans from all threats, foreign and domestic.

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

I know the Members of this committee understand this mission, and I would like to particularly thank all of the Members of the committee for your continued work in drafting reauthorization language for the Department.

The Department has not been authorized during its existence. I look forward to supporting the passage of legislation that provides us with the necessary authorities to successfully fulfill our primary task of keeping the American people safe in a more streamlined and unified manner.

I appreciate the opportunity to appear before you today, and I thank you for your continued support of the men and women of the Department in the mission we all take so seriously. Thank you.

I remain committed to working with the Congress always in protecting the American people, and I strive to answer any questions you may have.

[The prepared statement of Secretary Kelly follows:]

PREPARED STATEMENT OF HON. JOHN F. KELLY

JUNE 7, 2017

Chairman McCaul, Ranking Member Thompson, and distinguished Members of the committee: It is a great honor and privilege to appear before you today to dis-

cuss the Department of Homeland Security's (DHS) crucial missions of protecting the homeland and securing our borders. Additionally, I would like to personally thank you for your continued efforts in attempting to reauthorize the Department. This is an important endeavor which will provide the Department with the authorities it needs to carry out its mission.

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

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

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

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

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

I am also working to improve transparency and information sharing across the DHS enterprise to build efficiencies into our intelligence processes. An example of this is my on-going support of DHS's Joint Task Forces, which link the authorities and capabilities of multiple DHS components in a unified approach that addresses emerging and priority threats to our Nation. The magnitude, scope, and complexity of the challenges we face—including illegal immigration, transnational crime, human smuggling and trafficking, and terrorism—demand an integrated counter-network approach.

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

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

While technology, equipment, and physical barriers certainly help secure our borders, we also must have more boots on the ground. I remain committed to hiring and training new Border Patrol agents and commensurate support personnel as supported by the President's budget and Executive Order No. 13767. Let me be clear, we will maintain our standards, yet we will streamline hiring processes. This includes initiatives like waiving polygraph testing requirements for qualified Federal,

State, and local law enforcement officers, as well as members of the Armed Forces, veterans, and members of the Reserves or the National Guard, as contemplated by legislation now pending before the Congress. On a broader scale, my Deputy Secretary, Elaine Duke, and I are working hard across DHS to attract, retain, and enhance career opportunities for our workforce.

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

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

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

E-Verify is currently a voluntary program administered by U.S. Citizenship and Immigration Services that deserves more of our attention. Through E-Verify, our Nation's employers verify the employment eligibility of their employees after they are hired, which in turn helps protect American workers from unfair competition. The President's budget requests \$131.5 million for E-Verify operations, which includes an additional \$15.2 million for expansion of the program to support the mandatory use of E-Verify Nation-wide within 3 years—should Congress provide the authority to do so. We appreciate the continued support of Congress for this program.

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

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

Currently, TSA Officers screen more than 2 million passengers and their belongings each day, and this number is growing. Additional TSA Officers must be deployed to airport checkpoints to meet the increasing volume of travelers. The President's budget offers a sound, two-part approach to meeting this challenge. First, the budget proposes a much-needed increase in TSA passenger fees—only one dollar, changing the fee from \$5.60 to \$6.60, for each one-way trip.

While Congress previously denied this increase, Congress must act now in order for TSA to continue to meet its mission to protect our Nation from ever-evolving security threats.

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

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

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

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

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

In addition to protecting our Nation's financial infrastructure, under the leadership of our new director Tex Alles, the men and women of the U.S. Secret Service (USSS) protect our Nation's highest elected leaders, visiting foreign dignitaries, facilities, and major events. Using advanced countermeasures, USSS conducts operations to deter, minimize, and decisively respond to identified threats and vulnerabilities. The President's budget includes \$1.9 billion to support USSS's missions, including investment in advanced technologies and task force partnerships to enforce counterfeiting laws, and safeguard the payment and financial systems of the United States from financial and computer-based crimes. The funding also supports 7,150 positions—the highest staffing levels since 2011, and includes Presidential protection in New York and much-needed enhancement of technology used to protect the White House.

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

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

I am pleased to answer any questions.

Chairman McCAUL. Thank you, Secretary.

I now recognize myself for questions. Yes, it seems like every day Americans turn on the television and we are not sure if we are going to see a terrorist attack. They seem so commonplace, with Manchester, London. We just had an attack at Notre Dame Cathedral 2 days ago, and, of course, in Paris, Brussels, Nice, Berlin. I mean, constantly.

Europe is certainly in the crosshairs here with both the foreign fighter flow and the refugee flow. We are in the season of Ramadan and, as you know, sir, they have called for more terrorist attacks during this holy season. They are one plane flight away from the United States.

We passed, had a task force last Congress, had one this Congress, to help stop the flow of foreign fighter travel into the United States. Out of that, we had the Visa Waiver Security bill, and this month we will be marking up a Visa Security bill as well to increase what you talked about, and that is more increased vetting in high-threat areas.

So my question to you is to give assurance to the American people, what are you doing to stop this threat that we are seeing hit Europe so hard right now from coming into the United States?

Secretary KELLY. Well, Mr. Chairman, thanks for the question. I mean, you know this, the committee Members know this, we have this incredible institutions that protect the American public.

The good news is right now, from the threat outside the United States, some of the organizations I have already mentioned, you know, the Department of Defense, CIA, National Counter Terrorism Center, those kind of people, they are overseas either tracking them down or killing them every day, working with partners within the coalition, some partners very publicly, some partners not so publicly. All of that is working very, very well for us.

In terms of my Department, we have over 2,000 professionals from the Department deployed overseas working with partners around the globe, working with them to upgrade their, as an example, their aviation security. If they don't upgrade it, we will not allow aircraft to fly from those locations to the United States.

Obviously, inside the United States is a different kind of threat. Let's assume for a second we can keep the foreign-born or the exterior threat away.

The internal threat, or the so-called lone-wolfer inspired by these various websites and magazines, but that is a threat that no one can predict. I beat myself to death in trying to figure out how to do it.

Every time I talk to a foreign leader, just yesterday with the Israelis, you know, how do they do it? How can you predict someone that is going to go from normal kid to mass murderer? How do you do that? No one can give an answer. Everyone guesses. Everyone is trying.

But the good news thing about our country, is that we have institutions like Homeland Security, like the FBI, all the law enforcement, a million law enforcement, who are today much, much better at all of this than they were the day before 9/11.

You know, many of the grants we have provided, I think \$45 billion over the last 15 years, many of the grants were focused early on particularly in helping municipalities get the training, get the equipment, get the fusion centers and things like that they could plug into.

Fifteen years on, whether it is a large city like the New York City Police Department that is, to say the least, impressive in what they do relative to this threat, right down to the smallest municipality in the middle of America.

It is in the DNA now of our law enforcement people and the sharing that goes on between them and the Federal authorities, including my own Department, has put us in a better place, to say the least. But I would say that the one concern, and it is less and less of a concern because of what we are doing, the one concern I do have is the Southwest Border.

When I was in uniform, responsible for the United States Southern Command, I never missed an opportunity to make the point. This was frankly long before I was looking at the kind of threats that I am looking at daily today.

That my belief is, when there is a terrorist threat, or a terrorist event in the United States, that comes from outside the country, my belief is, until recently, that that threat would have gotten here through the network, the worldwide network that flows through Central America and across our wide-open Southwest Border.

We are doing the best we can to cut that off, but I think if there is an event, certainly up until recently, that happens in the United States, when we do the forensics, if it came from overseas, my belief is, without question, it would have come up through the Southwest Border. We are working on that, with our partners, the Mexicans, in particular.

Chairman McCAUL. Yes, and I recall when you were the head of SOUTHCOM, you know, General Kelly, you and I visited in the SCIF about this very issue, which leads me to my next question. I just got back from Mexico City yesterday. Some of the Members in the room were with me in a delegation meeting with a Congressional delegation from Mexico.

We had a lot of—I have to say, it was a very productive, very good discussion on our shared mutual interest of both energy and modernizing NAFTA.

But when it comes to security, no longer was the blame game there. It was realizing we have a shared mutual interest in security, both Mexico's southern border, which I think we should be focused on—it is 200 miles versus 2,000—but also our Southern Border, as well.

There are proposals in this budget regarding what is known as, the wall. Can you tell me what this concept of a wall looks like?

Secretary KELLY. Well, as I have said repeatedly, I mean, in hearings and in other events, I have been down a bit more importantly to the border and talked to the CBP, professionals that know better than anyone what it would take to at least begin the process of safeguarding the Southwest Border.

I want to emphasize not to seal it. I mean, the President has directed me that getting control of the Southwest Border doesn't mean inhibiting in any way the legal crossing of the millions of people every year, tens of millions of people every year, and the millions of trucks in normal commerce.

So we are figuring a way to do that. So if anything, we will speed the process up using probably different types of technology.

But as we evaluate the length of the border, 2,000 miles, I would first say that—you have heard me say this many times—the beginning of the protection of the Southwest Border really begins 1,500 miles south and then all of our partners, to include our great partner, Colombia, and Mexico.

Specifically on the border and the wall aspect, we look at that as an on-going opportunity to provide security. There are places along that border where clearly a physical barrier of some type is either too hard or we don't need to do it because there is not a lot of crossing. There are places that are so remote, they are so rough terrain, and we could cover that with patrols and technology.

There are other places along the border, particularly near the urban areas on that border, that my CBP professionals are asking for additional barrier. It might be a wall in South Texas that would then reinforce, so to speak, the levee system there, and it might be a see-through wall in other parts of the border.

So there are a lot of issues but we are this year looking at some prototypes. I am not involved in that because of the issue of how acquisitions go and contracting go, but my people tell me it is progressing well. We will ultimately decide what form that physical barrier will take.

Of course, all of that will be reinforced by technology of various types, UAVs and certainly the great men and women of CBP.

Chairman MCCAUL. Well, thank you for that, and we look forward to working with you on that.

The Chair now recognizes the Ranking Member.

Mr. THOMPSON. Thank you, Mr. Chairman.

Thank you again, Mr. Secretary, for being here. I applaud your recognition yesterday that when a Member of Congress would contact you for information, you felt obligated to provide that information, whether it is individual, as a committee or what have you.

So, can you, for the record, repeat whether or not you feel an obligation when a Member of Congress writes you relative to his or her duties in your lane, an obligation to respond back?

Secretary KELLY. I will, Mr. Thompson. There are various types, of course, of Congressional inquiries. The things that we term, you know, constituent issues, those are easy. We respond to those as fast as we can.

We get a fair number of inquiries that sometimes it is pre-decisional, like what are you going to do here or there? Of course, in those cases, because it is pre-decisional, we don't know what we are going to do so we wouldn't write back specifics. But, in all cases, we would get a phone call back to the—or a letter even, back to the Member to say, can't answer that quite yet, pre-decisional.

Then there are the other issues of questions that are part of the Congressional oversight process. Our preference, my preference really, would see that come up through a committee, because an awful lot of the time you get multiple letters of the same kind.

It would be, in my view, for my time management perspective and the workload, I would prefer to see those come up through a committee, but we won't hesitate to answer them.

One of the things I have, I would—let me step back and say, in my confirmation process, I think every Senator I talked to in office calls beat me up very, very brutally about the fact that my Department was among the worst in the Federal Government to responding to Congressional inquiries.

I made that a big part of the changes we made—and by the way, that same thing could be said of our relationship with the media, and we are fixing that, as well, too.

But the point is, on the Congressional inquiries, my folks are leaning forward on this. Some of the requests we come in, whether they are from an individual Member or even a Chairman, or Ranking Member, are very long, detailed requests that we can't, you know, answer overnight given workload.

So what we will always do is either call your staff, or frequently write a letter back saying, you know, we got the request, it is going to take us some time, it is a huge request and just bear with us but we will get back to you. But, no, Mr. Thompson, my sense is that I am proud of what we do in the Department. I am proud of every man and woman in the Department, and this is a way to tell my story, our story, to the U.S. Congress.

Mr. THOMPSON. I thank you for that, and I look forward to working with you on that. Because in order to make sound public policy, you need information, and so much of that information you have there at the Department that Members of this committee and otherwise would need.

Secretary KELLY. You know, Mr. Thompson, if I could, just by way of example, since I have been the Secretary, and it is less than 4 months, we have leaned forward, had 37 different hearings, not me, of course, in all of them, thank goodness, but 37 separate hearings, 57 witnesses and nearly 1,000, 973 engagements with Members of Congress, both sides of the aisle, both sides of the Hill. So we are—I am serious about it. We are leaning forward to inform the Congress.

Mr. THOMPSON. Thank you, and I appreciate that. With this budget, Mr. Secretary, do you see yourself being able to fill the vacancies that you presently have at the senior level within the Department?

Secretary KELLY. I do. I mean, what we have now, of course, throughout the Government, but in my case, I have got, other than myself, one other political person that has been approved by the confirmation process.

Today I have FEMA replacement, Brock Long, who is sitting in front of the committee right now on the other side. We had the TSA administrator announced, and he will go through the process.

But the good news is, certainly, that even though they are important to have a political, you know, head of the Department, a capable and qualified head, and that has been my bottom line in all that we have done in terms of trying to fill those billets, capable and qualified, but we have tremendous, thousands of tremendous career professionals who, regardless of who the Secretary is, and they come and go, the Homeland Security Department is functioning very well.

Mr. THOMPSON. Fine. The President tweeted recently that the extreme vetting process is on-going. Are you familiar with that tweet?

Secretary KELLY. I am now.

Mr. THOMPSON. You are now. Are we extreme vetting to your knowledge?

Secretary KELLY. A couple of things we are doing. We are on the visa side, the State Department, Rex Tillerson, Secretary of State, has just issued some additional questions that his consular officers will use as they interview individuals to come to the United States, essentially, you know, give a little bit more burden on them to con-

vince us that they are coming here for the right reason and, in the visa process, that they will leave, which is, as I think the Ranking Member knows, a huge number of individuals that are in the United States illegally came here on a visa and simply decided to stay.

On the refugee side, we are looking at ways, and I have described them a number of times, but we are looking at ways that we can deal with people who, for whatever reason, most of them are coming from countries that have no FBI, no real police set-up, no real record keeping set-up.

They don't have passports. So how do we look at that person and decide whether that person should come to the United States and will be a productive member as a refugee?

Right now we are into, for many, many years we have been assuming the stories they are telling us are true, the fact that, who they are, we are assuming they are telling us the truth. I think that there are ways to work toward a better understanding of who the people are, why they are coming. That would add to the extreme vetting.

Right now I am a little hesitant to go too far because we are enjoined on the E.O., but we are doing something.

Mr. THOMPSON. OK, but I guess, at some point, can you provide this committee with whatever the extreme vetting consists of?

Secretary KELLY. Sure.

Mr. THOMPSON. So we will have some knowledge of it. I guess my last point, Mr. Chairman, with your indulgence, some of us are concerned about private citizens contacting foreign governments, and that kind of thing. Jared Kushner was, before he was any official, contacted members of the Russian government.

Some of us are concerned about whether or not that contact and the conversations that, in terms of back channel and other things, blurred the lines of what private citizens could do. I need from you some assurance that those kinds of contacts by private citizens, if they are made by private citizens, that either we have knowledge of it, or that someone in an official capacity will have knowledge of it.

Secretary KELLY. Well, in the case of Jared Kushner, I mean, first of all, I mean, he is a great American, he was, at the time, in the transition process. I mean, obviously the Trump administration had yet to take over. But that transition process is one in which you are transitioning, about to take over, you know, the controls from the outgoing administration.

During that period, I would offer that Jared Kushner—I don't know if he had a security clearance, yet, but certainly was working toward that and, of course, has ultimately got a very, very high security clearance. At the time, he didn't know anything that would be Classified because he wasn't in the Government, yet.

You know, Mr. Thompson, I think there are many, many ways to communicate. The so-called back-channel way is very, very common.

If he was in the process, knowing full well that he was within weeks and even days of becoming part of the U.S. Government, working for President Trump in some official capacity, the fact that he was opening channels, talking to people like the, you know, an

ambassador from anywhere, to say that, you know, we would like to have an opportunity to meet with you and discuss some of these issues, whatever they are, once we are in the Government.

I not only don't see anything wrong with that, I would say that that is the way the Government works. Back-channel communication—now all of that, you know, whatever he may have shared, once he became a Government official, of course, that is part of the Governmental process.

If he was going to keep any secrets, if he would have said, you know, I talked to some Ambassador and said these are the things that are concerning this administration, I mean, that would be part of the overall effort, National security—

Mr. THOMPSON. I appreciate the Chairman's indulgence, but some of us are concerned that a private citizen would have that kind of conversation before the clearance is issued. So, I am sure at some point—

Secretary KELLY. But remember, the conversation, as I read the newspapers, not—I haven't spoken to them about it. But he didn't have a clearance yet. He wasn't in the Government yet, didn't know anything yet.

But the idea that he was maybe contacting people to say, "Look, once we take over, I would like to at least have an opportunity to talk to you off-line about certain things when it is appropriate."

Mr. THOMPSON. I yield back.

Chairman MCCAUL. Chair recognizes Mr. King.

Mr. KING. Thank you, Mr. Chairman.

Secretary, let me again commend you on the outstanding job both in your military career and now at Homeland Security. I have been talking to people in the Department. You have definitely taken a hold of it, and I want to commend you for that.

Having said that, there are two areas I would like to cover. The first is on grants, specifically UASI and SHSCP and Port Security. Also on MS-13, which has been responsible for 17 homicides in my district in the last year alone.

First, on the grants. As I see the budget, roughly, the cuts are between 25 and 30 percent. I really would not be able to support that. Having said that, the Obama administration proposed even much more severe cuts in the last year, close to 50 percent in some cases.

But I opposed them then, and I really have to oppose these cuts now. Again, not even to have a debate, just to lay out the case. Just taking my district, Miss Rice's district, we are in the district which includes New York City, Nassau, Suffolk, Westchester and part of Rockland.

New York City Police Department alone has over 1,000 police officers working full-time on counterterrorism and intelligence. They are performing a Federal responsibility and, depending on how we look at it, they have prevented between 15 and 20 attacks over the last 15 years. They comprise a large portion of the JTTF.

Similarly, in Nassau and Suffolk Counties, they have units working just on terrorism and counterintelligence. To me, this is a Federal responsibility, and I am not aware of any waste. I mean, every program is accounted for dollar for dollar. The programs are all approved.

This is literally, in many cases, a situation of life and death. These officers are out there, again, 24/7, over 1,000 of them. This isn't a case of somebody's cousin getting a job or some political appointee. These are all top-rate professionals.

This doesn't even include, which is paid separately, the police officers that are assigned overseas. I think they are in 18 different capitals around the world.

So again, I would just emphasize that it would be very difficult for me to support a budget request or an appropriation which does not put in the full amount. Again, I want to emphasize, not to make this partisan. I strongly oppose what President Obama suggested, and I am also opposing this.

I will just leave it at that and then you can answer. But second, just on MS-13, if you could just maybe touch on the fact that the unaccompanied minors and—like the police commissioner in Suffolk County where these 17 murders have been carried out, I think more than half of them involved unaccompanied minors.

These are young children who came into the country within the last 2 or 3 years. The evidence from the Suffolk County Police Department—and I would say the Suffolk County government is run by Democrats, this is not a partisan issue at all, have shown that MS-13 in some ways is gaming the system. Some of those unaccompanied minors were sent up here by MS-13.

In other cases, MS-13 has either threatened, coerced, or paid off families in places like Central Islip and Brentwood to volunteer to take these kids. Then they come into schools. We have a school in my district where one whole hallway is dedicated to MS-13. It is a no-go area unless you are MS-13.

Most of those kids came in as unaccompanied minors. So I guess if you could address the issue of whether or not that program can be improved, corrected, modified, and also on the question of the grants.

Secretary KELLY. On the MS-13, sir, I think you know that unaccompanied minors are a different—there are many different—God knows there are unlimited categories of people that come and claim this, that, or the other thing. I have yet to get my arms around all of it.

But I will say this. Of the 72 percent reduction in illegal aliens that we have seen moving into the United States in the last 3½ months, really, a key—72 percent reduction, an even better number is the unaccompanied minors are down even lower than that.

So that is a good—and for that matter, family units. Those are very complicated. The minors and the family units. Those are very complicated individuals. But let me get to the MS-13.

Unaccompanied minor comes to the United States. They are paid, trafficked up here through the network. Usually their families are—I mean, that is human trafficking by any definition. They pay a trafficker to take their less-than-18-year-old up through the network, deposit them into the United States.

Of course, they turn themselves over right away to the first—they look for the first uniformed person they can find and say, “I am unaccompanied. This is my age. I have a family member that lives in Islip, New York.” So we have to because they are minors, we, DHS, have to turn them over to—

Mr. KING. HHS.

Secretary KELLY [continuing]. HHS, who then finds them a place. So he has got the address of whatever family member that is up in Islip. They do some checking and if it checks out, which it virtually always does, then they take the unaccompanied minor. That is basically the end of the cycle.

Remember, in most cases, these people, the vast majority of people that come up from that part of the world are not bad people. But they are simple people. They are uneducated people, as a general rule, coming up here for economic purposes.

So you take a 16-, 17-year-old that can't speak English, can't read or write. He has got a sixth-grade education. Now you bring him to Islip, New York. How long he stays in the education system there before MS-13 just recruits him?

It happens, by the way, the whole route. I mean, a lot of these kids never make it, the males in—well, females, too, never make it through Mexico, because they are siphoned off into the gangs or into prostitution, if they are particular young women.

So I mean, they are they are not really able to assimilate very quickly, and consequently, they get siphoned off into MS-13. It is a huge problem.

As you know. I think, Congressman, we, DHS, did a full-court press, and for a couple of weeks picked up—couple of weeks about a month ago picked up 1,300 gang members. Many of them were MS-13. It is a real cancer and getting worse.

So to a degree, some of them are scamming the system in terms of getting up here. So many of the MS-13 members are in fact unaccompanied minors that came up here, particularly in the big explosion, the big movement in 2014.

On the grants, like anything, sir, we don't have an unlimited amount of money. We are looking in many ways—first of all, as I mentioned earlier, the level of training and expertise within the departments, particularly a place like New York City, the level of expertise is so much higher than it was a decade ago when 9/11 happened. More than a decade ago.

The idea is that we have asked that the local municipalities, in many cases, have some of their own skin in the game, and that is why we looked at that 25 percent cut, that they would compensate. They are still going to get 75 percent, but they would make up the 25 percent difference.

I will end with this. I mean, there is a different threat out there. I mean, places like New York City are clearly a threat. They are a target. They are a symbol of America, Washington being the same way. This building probably being the ultimate.

But the way this threat now has metastasized around the country, whether it is New York City, the largest municipality in the country, or some little town in the middle of Arkansas, the potential is about the same in my view for a lone-wolf attack.

Clearly, if they really want to make a big splash, they go to a place like New York City. But we are trying to wrestle right now with—if every single city, town, village in America is at risk of the lone wolf inspired by—generally speaking, the one constant is the websites on is the internet.

How do we, if we can, how do we get our arms around that threat? Because that is what it is. That is the domestic threat. That is what is inside the country, and obviously we still have, I think, the overseas threat at an arm's length.

But I would just close by saying—but they are trying to get here, particularly get after our aviation. They are trying every day. Very sophisticated threats, and they are numerous, to try to knock down one of our airplanes on the way over here from, right now, Europe and the Middle East.

I don't know if that answers your question, sir, probably not satisfactory, but—

Mr. KING. We can continue—

Secretary KELLY [continuing]. That is the best I can do.

Mr. KING [continuing]. To work through it. Thank you, Secretary. I appreciate it. Thank you.

Chairman MCCAUL. Yes, Secretary is here until 12:30, so I am going to try to hold Members to the 5-minute rule as much as we can to afford all Members an opportunity to ask questions.

Ms. Jackson Lee is recognized.

Ms. JACKSON LEE. Let me thank the Chairman and Ranking Member. Mr. Secretary, we have known each other for a good while, and I want to again thank you for your service and the service and sacrifice, that many of us know, of your family. I think that should never go unsaid and unacknowledged.

Saying that, I also want you to accept that my questions are not personal, and that I have worked, as I know many Members here—I see my good friend Mr. Rogers, the Ranking Member, and many others, Chairman, have been on this committee for a very long time.

So when we critique or criticize, I still would hope that the administration would work with us on the issues that we need to have worked on.

So I am going to ask to have a set, with your distinguished legislative counsel sitting behind you, call where we speak directly about Mr. Escobar. That is the young man. This is the picture of his wife. We have sent letters to President Trump. We have sent letters to yourself.

Mr. Escobar was in the middle of an administrative appeal and was deported. He had a work permit. He had no criminal background. If I might say, a church man. He left a wife working at the Texas Children's Hospital. So, I know how many others. This is a singular case. Children under 10.

He needs to be returned to the United States, because his appeal process was improperly responded to by DHS. It means that, in the midst of it, he was deported.

So can I get that scheduled phone call, please?

Secretary KELLY. Of course. Or a visit from anyone, certainly, in my Department.

Ms. JACKSON LEE. I would like to speak to you, Mr. Secretary. I think it is at this level now.

Secretary KELLY. OK. You know, there are many, many cases, as you know, Congress—

Ms. JACKSON LEE. I understand.

Secretary KELLY. I am not totally familiar with this one.

Ms. JACKSON LEE. I will be presenting a letter as I leave. I have to go to the budget committee. But I want to just stop at that. If we can work that out, I will be delighted.

Could you also have the FEMA director—I come from hurricane country—raise his or her hand? You said they are in the room?

Secretary KELLY. Sorry. He is on the other side in his confirmation hearing—

Ms. JACKSON LEE. Oh, he is in his confirmation hearing.

Secretary KELLY [continuing]. Right now.

Ms. JACKSON LEE. So let me just put on—I am going to put a lot of this on the record, and then I will have a final question.

TSA is without leadership. As I understand, you said there is a nominee. ICE is without leadership. FEMA is in the midst of it and, I think, immigration services.

So I am very concerned that the Department and you do not have full staff, and we need to work very hard for nominations to come forward. I know that my friends in the Senate, where there is a reputable individual, will be ready to do so.

So let me just quickly move forward. I am putting this on the record as well. I am disappointed that there are cuts in the Office of Civil Rights that are very important, in the Privacy Office. I hope that we will be correcting that.

The billion-dollar border wall is one that is ineffective. You just got through saying that those who are coming across the border are pretty harmless, and we are putting a big border wall and therefore denying a number of important projects.

For example, cutting the law enforcement officer, LEO Reimbursement, where my airports, where 300 airports will not have TSA requirement to have a law enforcement officer present. We have had a lot of incidences that have been, if you will, prevented by law enforcement and this program being at our airports.

The VIPER program, the canine program, you are cutting it from 31 to 8. The canine units are valuable. The Secret Service, that has more protectees than they ever had, cutting it \$108 million.

I would like that back in writing. I want to focus on this question after I have done Mr. Escobar.

We now understand that the President's tweets are public policy, are the policy of the White House. My question will be, when I finish, was the President and his tweets making us more secure or insecure?

Are we more secure when the President meets with two Russian operatives—they have names. They are in the cabinet of Mr. Putin—and jeopardizes the Classified information of the American people? Is America more secure?

Are we more secure when the President, in the midst of a tragedy in London, bashes the mayor of the city of London, who happens to be a Muslim, who stood against the terrorism, but this President and his tweets are battering, bashing, insulting? His tweets become policy.

I ask you, Mr. Secretary, in all of the hacking, and this memo that has just come out with the Mid-East, where we have to contend with fixing that, is it not clear that Russia is our enemy and the enemy of the world? We have a President that tweets like he

is their best friend. Does the President's tweets make America safe or unsafe?

Secretary KELLY. Well, certainly I don't think Russia is a friend and is approaching, certainly, what I would define as an enemy. But I don't think we should not talk to them. I mean, after all, they are who they are.

I take your point, though. I mean, you know, the President tweets. In my view, I have my marching orders from the President to me personally. If his tweets are then going to be turned into policy, certainly the White House staff would work that, notify me. If I didn't see it that way, I would go over and see the President.

My mandate, my sacred task, is to keep America safe. As far as the tweets and all go, certainly I am aware of them, follow them to the degree that I can.

But I have a course set on securing the United States, and if those tweets then are turned into some change in policy because that is what the President wants, then, well, I will have that discussion with the President and the White House staff.

Ms. JACKSON LEE. So you will tell the Congress when you believe that a tweet that the President has now generated, which Mr. Sean Spicer, I believe, in the last 24 to 48 hours, has indicated that we should listen to the President's tweets. That they are in fact policy. You will notify us if that is damaging to the security of the American people?

Secretary KELLY. I would, but again, I just emphasized that just because he tweets it, I mean, then it is up to the White House staff to work with him about developing policy, changing policy, or maybe doing nothing.

Then I would find out about that, and if I thought that was detrimental to keeping the homeland safe, I would go over there and change someone's mind.

Chairman MCCAUL. The gentlelady's time has expired.

Ms. JACKSON LEE. I thank you.

Chairman MCCAUL. Mr. Rogers is recognized.

Mr. ROGERS. Thank you, Mr. Chairman. Thank you, Mr. Secretary, for your attendance and your long and continued service to our country.

I know that you and the President are hard at work toward securing our Southwest Border, and you have spoken about that earlier in your testimony.

One of the big themes in the President's campaign for the office was the fact that he intended to ensure that our neighbors to the south helped us with the cost of securing that border.

To that end, I have introduced a bill recently called the Border Wall Funding Act, which would assess a 2 percent fee on remittances from the United States to countries in South America. We would generate \$1 billion a year dedicated toward helping offset the cost of securing the Southwest Border.

Is that something—those kind of innovative funding sources—something you are open to or encouraging? Or have you had discussions with the President about how we are going to do that? Because from what I have read, it is going to be \$10 billion to \$15 billion over and above what we are currently spending.

Secretary KELLY. Congressman, I would start by saying I really have no idea how much it will cost ultimately, because we haven't really—well, we haven't at all picked any prototypes.

I mean, if we go with one design, it is quite expensive, very expensive. If we go with another design, it might be half that cost. So I am not pushing back or I just don't know how much it will cost.

I hear \$40 billion. I have heard \$10 billion. Most of it comes out of the press. I don't know where they get their numbers because—and I have been asked numerous times by Members of Congress this very question. I don't know how much it will cost, because I don't know what we are going to build. I don't know how long it is going to be built.

But that aside for a second, the funding, wherever it comes from, I have not had conversations—it is not really in my lane to raise the money.

If the President, you know—whatever I get, you can bet, once we decide on a design, once I get enough money to build X miles of whatever it is, the design is, then clearly—we have already done this, in fact, talked to the CBP people to say, you know, “Where do you want some additional physical barrier?”

They will tell you. “Sir, if you can get me, you know, Laredo. If you can get me 16 more miles, I am pretty happy.” “If you can get me 28 miles.” That kind of thing.

Other places, you know, they will say, you know, “We are pretty good with the high-tech towers we have here that give us day and night visibility over large stretches of the border. You know, sure, if we have unlimited amounts of time and money, build me some wall.” Walls work. Physical barrier is a better way to put it.

But that said, we are talking to the CBP folks and, you know, this is a process that is clearly going to take some time. I mean, there are issues of land acquisition and all the rest of it.

Mr. ROGERS. Great. The Congress has been pretty busy at work in these first few months, unwinding many of the worst Obama-era policies through the Congressional Review Act.

However, there are two highly unconstitutional policies that remain in place: Obama's amnesty programs called DACA, the Deferred Action on Childhood Arrivals, and DAPA, Deferred Action on Parents of Americans. What are your plans to end these unconstitutional immigration amnesty programs?

Secretary KELLY. You know, sir, of all the things I have on my plate right now, I am looking very, very hard at the, whatever it is, 11 million individuals in the United States illegally.

We are working very, very hard, and in spite of what sometimes, almost all the time the press reports, we are truly going after people, individual not sweeps, not checkpoints, not, you know, not road blocks, not raiding meat packing plants.

We are going after individual individuals that are, (A), here illegally, and then (B), have other violations. The best, you know, going after—we are trying to go after some of the worst.

Now, that said, other illegals in this process fall into our hands. We don't have discretion. But they are not, they are put into proceedings, which, as you know, I think, goes on for years and years and years.

There are about 750,000, roughly 780,000 people that fall into this category, DACA. I have many, many people tell me it is illegal. I have many, many people tell me that it is not illegal, that the President had the authority to give me or my predecessor to do it. I will say, for the record, we are not targeting DACA registrants right now.

There is a lot of misinformation, misreporting that we have gone after DACA. The people that have claimed to be DACA recipients that we have, in fact, taken into custody, fall into two categories.

One category is they were going to register, but didn't get around to it, so they are not DACA, while the other category is they were registered, but they broke the law, and when they came into our hands, they are not DACA, and we put them into proceedings.

I go back always to this issue of, you know, ICE, DHS, do not deport people. The law deports people. There is a step-by-step process. Everyone that falls into a certain category has rights under laws.

Some of these things go on for years and years and years. I just was familiarizing myself with one the other day. Sixteen years in the process, and that included 22 different steps in front of Federal judges as well as immigration judges, and ultimately there is an order to deport, and we have got to do it. I don't have the discretion. A lot of people don't understand that.

But the point of DACA is right now, sir, I am hoping, frankly, because there is bipartisan support, both sides of the aisle, both sides of the Hill for doing something about DACA legislatively.

Rather, with all due respect, not you, but I get beat up a lot by a lot of Members of Congress on DACA. Again, we are not targeting DACA. But I get beat up a lot about why we are going after DACA. We are not.

But my back to them is if you feel so strongly about it, and you clearly do, why don't you do something about it? Why don't you work with your colleagues, both sides of the aisle, because there is a lot of support for this, and change the law, and I will follow that law.

Mr. ROGERS. Thank you.

I will yield back, Mr. Chairman.

Chairman MCCAUL. Gentleman yields back.

Mr. Langevin is recognized.

Mr. LANGEVIN. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service, and thank you for your testimony here today. I have several questions, so I am going to ask you to be as concise as possible.

With respect to the wave of terrorist activity happening across Europe right now, we have been briefed previously that there are thousands of European individuals who have gone into Syria or Iraq and have fought with ISIS and have now returned back to these European countries.

We have been briefed in the past that because of European privacy laws that it has been difficult to necessarily get information sharing, robust information sharing from our intel partners of those people that might want to travel here to the United States.

I know that this committee and the Congress has acted to tighten up restrictions on individuals who have traveled to Iraq or Syria

or parts of the Middle East and then coming to the United States from visa waiver countries.

I want to know are we getting robust intel sharing from our European partners? Is there anything in European privacy laws that are inhibiting the United States from getting robust information about individuals with European passports who might come here to the United States with nefarious intent?

Secretary KELLY. I would say, Congressman, there is a new wind blowing or a new attitude change right now in the last several months, certainly since I have been in this job. Many of the countries around the world have different privacy laws than we do. Some of them are tighter.

What they are facing now potentially is anywhere from 5- to 7,000 returning citizens from the jihad, from the caliphate. They are not going home, because they have been cured of their mental illness here.

But they are going home because the caliphate is being defeated on the ground in Iraq and Syria, and they are going home to continue the jihad, only in a different way.

Mr. LANGEVIN. I understand that, but I want to know about the——

Secretary KELLY. Right.

Mr. LANGEVIN [continuing]. Info sharing here.

Secretary KELLY. So we are experiencing a new interest in cooperating with the United States on the kind of things you are addressing by the Europeans.

The other factor of not only the returning jihadists, but the other factor is some of the actions have taken on electronics in aircraft. That has caught everyone's attention, and we have nothing but renewed cooperation to share with us all the information they can. Even the European Union has a new attitude toward this issue. So I think we are going in the right direction.

Mr. LANGEVIN. All right. Turning to cyber for a minute—Russia. Secretary, recent media reports have indicated that Russia targeted systems used in our elections in the waning days of the 2016 campaign.

Clearly, we have seen a paradigm shift in Russia's using aggressive cyber means now to interfere with the elections of Western democracies. Is the Department aware of these efforts, the new information in the media reports that have come out recently?

Secretary KELLY. Before I answer that, Congressman, I would simply say I am not acknowledging—some of these things are very, very highly Classified, as you know.

So I am not acknowledging anything that is being reported whether it is true or not. But I am saying we are part of the cyber defense infrastructure of the United States, and are aware, generally speaking, with our partners, FBI and others, of what the Russian attempts are.

Mr. LANGEVIN. Well, Secretary, if there is a Classified answer that you need to give to that question, I expect to get that question——

Secretary KELLY. We can do that.

Mr. LANGEVIN [continuing]. Answered. Thank you.

How has is the Department working with this critical infrastructure, with respect to the elections, to improve cybersecurity, particularly given the special elections that are going on now?

Secretary KELLY. Well, as you know, and it has been pointed out to me by the vast majority of Members of Congress I have spoken to, the State's control, and, in some cases, inside States, there is no universal election process. But the States control that process.

My predecessor, Jeh Johnson, just before he left, designated the whole system as critical infrastructure. I have had a lot of push-back from Members of Congress, both sides of the aisle. Governors have pushed back on that. The idea is, for the record, that that is a voluntary if you think we can help, come ask us, and we will try to help you.

I am meeting with all of the Homeland Security—I believe it is next week—the Homeland Security State advisors. This will be a topic that we will bring up about do they feel it is needed. But by no means do we have any intention, desire, or move to take over any State process or tell the States how to do business.

Mr. LANGEVIN. OK. And my time has expired. I have additional questions I will submit, but I am particularly interested in the, in a Classified answer to the Russian elections issue. Thank you.

I yield back.

Chairman MCCAUL. Chair recognizes Mr. Barletta.

Mr. BARLETTA. Thank you, Mr. Chairman.

Secretary Kelly, thank you for your service to our country, and thank you for testifying again today. As usual, when we talk about illegal immigration, you know, it is always talking about the illegal immigrant.

During your previous testimony, I told you how pleased I was that the Trump administration created a new office to speak for the victims of crime committed by illegal immigrants. That is one of the reasons I feel so passionate about why we need to enforce our immigration laws.

My city of Hazelton, which I was mayor of, had a serious illegal immigration problem that brought with them drugs, gangs, identity theft, other crimes, and I had to deal with that every day. Everyone talks about the illegal alien, but very seldom do we ever talk about the victims.

You know, no one has compassion for the victims of these crimes, and we must speak for them. I am thankful that the Trump administration is doing that.

You know, when I was mayor, I remember sitting with the family of Derek Kichline, a 29-year-old father of three little children who was shot and killed by head of the Latin Kings who was in the country illegally, arrested seven times before he took the life of Mr. Kichline.

I sit with Mr. and Mrs. Kichline. I met the family of Carly Snyder, a 20-year-old beautiful girl, studying to be a veterinarian. Her father told me the story about his daughter. Her next-door neighbor was in the country illegally, arrested in a sanctuary city and let go, breaks in his daughter's house and stabs her 37 times.

As the father is telling me this, a tear is rolling down his cheek. He said I came to shake your hand, because you are speaking for my daughter, Carly, now. I have never forgotten that.

So I understand that there is nothing we can do to bring these people back. I know there is nothing that we can do that will ever relieve the pain that they still feel with, but I understand that the budget request includes funding with ICE to support the Victims of Immigration Crime Engagement office, also called VOICE.

Can you please speak about what you and the administration are doing to speak for the victims of crimes committed by illegal aliens against citizens and legal immigrants, and what else we can do in Congress to assist these efforts. Would it be helpful to have this office permanently authorized?

Secretary KELLY. Thanks for that question, Congressman. The VOICE office, although it has been heavily criticized by certain elements, is not an anti-illegal—even illegal immigrant move. It is just a way to assist the victims of the families primarily, of course, of the victims of some violence, some crime against, perpetrated by an illegal alien.

What we attempt to do is—and early on it was heavily abused by a lot of prank calls and all of this, but it has settled down now. By virtue of what I just said, it will probably start back up.

But there are plenty of examples of them calling in. Simply, you know, the person that killed my daughter, where is he right now, and where is he in the court process? You know?

Has he been sentenced to life or death like he should be, or has he gotten 20 to 40 or has he walked? That is what we do to a large degree. Others will call and ask for, you know, counseling, help and that kind of thing. We can take care of that in terms of direct them in the right direction.

So I mean I was kind-of surprised. I have been surprised about a lot of things since I have been in this job about the outcry against it, because it was billed as anti-immigrant.

Of course, we are not anti-immigrant. We are anti-, if you will, illegal immigrant. We still take 1.1 million legal immigrants into this country every year, and I don't think there is any big idea to change that.

But the point is the VOICE office has worked well, and it is just a way to outreach the people who felt as though they were all alone. For every one of you as a mayor that was wrapping their arms around people, there are other mayors, with all due respect, that take the other view of illegal aliens.

Mr. BARLETTA. Unfortunately, Secretary Kelly, we can't bring back their loved ones, and we can't maybe ease their pain, but what we can do is give these families closure. I applaud the Trump administration for doing that. Thank you.

I yield back.

Chairman MCCAUL. Mr. Keating is recognized.

Mr. KEATING. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service to your country, your career service and your sacrifice. It is much appreciated. This is a budget hearing, so I want to focus in on a couple of things that are important in my region.

No. 1, I want to continue the several-month dialog our office has had with representatives from the regional office of Mission Support. We have been able to locate significant savings that will not result in a loss of personnel or services.

Roughly, I believe, just in our small little region, \$30 million in savings. I think this could be a model that could be duplicated throughout the country, too, in terms of having those kind of savings.

Along those lines, too, I would like to just express a concern on the budget cuts to the Inspector General's Office within Homeland, because I think that is an important office. It is important to this committee, and it is one for every dollar in, there is \$7 in savings. I will set that. I think it is not a good time to be cutting in that regard.

I would also like to mention where hundreds of millions of dollars of revenues are been lost right now in our country, and particularly in my region. Something you never asked for, I am sure, but in the omnibus legislative budget, you were given personal discretion over H-2B visas, and this is a program, as most of us know, is really related to small businesses.

Every day in my district and other districts around the country, the delay in filling those needed positions is just costing us revenues that could be helpful in fulfilling some of the things that are being cut right now.

In our area, there will be local workers that will not have jobs because, particularly people in the hospitality area, they are not opening at all during weeks, because, unless you are at a complement, you just can't do it.

I have had conferences with your legal staff and with your office and the acting secretary in that regard that is dealing with that, Acting Director McKenna. He and I discussed using the returning worker cap just being removed. This is nothing new.

This is something that 4 of the last 11 years has been utilized to have those people there. It eliminates some of the interviews, these people hit the ground running, and it is important right now in our country that we are not hurting our economy for something that can be easily done administratively.

So I want to emphasize and ask you when do you think you will be able to start that process? It is overdue and every day it is costing us money in this country.

Secretary KELLY. Well, first of all, like—Congressman, this is kind of a new topic for me. When I originally saw it, 66,000, I think, is what is authorized, and then I think I have—

Mr. KEATING. Discretion to 129,000.

Secretary KELLY [continuing]. 129,000. What I took from that was the sense of the Congress was not to expand it, because if it was that important, the Congress would have authorized \$129,000. But that said, we are working with Labor. You know, I have just very large number of Members of Congress saying don't expand it, because it means American jobs, the unions and all the rest of it. I am open—

Mr. KEATING. If I could interrupt?

Secretary KELLY. Sure.

Mr. KEATING. Mr. Secretary, there is a huge bipartisan support for this—

Secretary KELLY. Right.

Mr. KEATING [continuing]. And may I respectfully say there is no U.S. jobs lost in this respect. These are jobs that, frankly, can't be

filled. I could tell you, as you are familiar with your own personal experience around the Boston area, the wages are well-paid for in that area.

It is not a question of not meeting where—in fact, in my area, they exceed the average wages for those jobs. So I mean, I am glad you mentioned that. There is no security interest.

These are returning workers. Some of them have been coming back and forth for 20 years. Those of us in the committee are well aware there are certain visas where people overstay those visas, and that is a matter of concern for you and for all of us.

However, these people go back. They want to go back. They have a history of going back and coming forward. As I said, some of them for decades working in, you know, the same businesses. So this is something I am glad with your feedback, because I hope I can alleviate that concern and get this moving as quickly as possible.

I have about 10 seconds left to deal with things. But with the cuts, I just want to emphasize the UASI grants, the Urban Area Security grants, those cuts concern me. The State Homeland Security grants are a concern as well. And we know from the Boston bombing experience how important that training was.

So I would emphasize, as my colleagues have on both sides of the aisle today, to try and see if we can fund those. I think there will be States and cities that do not take the initiative to fund their portion the way it is structured now, and I don't think we can afford those cuts at this time. Thank you.

Chairman MCCAUL. The gentleman's time has expired.

Mr. Perry is recognized.

Mr. PERRY. Mr. Secretary, good to see you. Thanks for your service. Moving right into it, though, just recently, in the last couple days, H.R. 366, the DHS Save Act was signed into law by the President, which allows you to manage DHS's fleet much better than it was in the past and saves taxpayers a pile of money, I think.

I just want to let you know, as the Chairman of the Oversight Committee, I am interested in any priorities you might have that we haven't seen on rooting out fraud, waste, and abuse and getting right to that. I am just offering myself to you in that regard.

I have plenty of critics regarding the cost of the border wall, and that discussion, and I just want to get into that a little bit. According to Bloomberg, the vast majority of heroin in the United States comes from Mexico, which is contributing to our devastating opioid epidemic, including Pennsylvania, unfortunately.

I just want to use this one example as a cost of not securing the border and just get your thoughts on if we properly examine what the cost of not controlling our border is in that regard? Have we done that adequately? Do we know that cost?

Secretary KELLY. Certainly not on my watch have we looked at that. But I would offer just a couple facts and figures to you. You are exactly right, Congressman. In a sense, everything that is bad in this regard, comes up through the Southwest Border.

I have talked with my Mexican friends about it. The reason why this network moves from Mexico is not because Mexicans are anything other than great people and very cooperative with us. But the

immense amount of profit that comes out of the consumption of drugs in the United States, \$800 billion by some estimates, is what generates all of the problems all the way south.

You know, the demand generates the——

Mr. PERRY. Sure.

Secretary KELLY [continuing]. Production and the transport, just about 100 percent of the heroin consumed in the United States comes from Mexico. That is an indicator of how smart these cartels are.

Years ago, it all came from Asia. Not so many years ago, but they say, OK, if Americans want to kill themselves with heroin, well, then we will help them out. So they created the production facilities, the poppy growing, all that——

Mr. PERRY. You know, if you will try and if your agency will try and take a look and quantify that cost, I mean, I think it is important for Americans to know the cost.

I mean, according to Pew, illegal immigration, maybe including heroin, maybe not itself, but illegal immigration cost—Pennsylvanians about a billion dollars, so that is a significant cost. Just like to put your eye to that, if you could.

The President's budget request requires additional hiring of enforcement and removal operations, and I think it is a great start. I just am curious about your comments about how ICE can be effective with States and localities using sanctuary policies to stop them from doing their job, even with the additional personnel. What are your thoughts on that?

Secretary KELLY. Well, the best place for ICE to do its job is to work side-by-side with law enforcement in jails. We have a program for that. We pay for it. But if they are in the jails—an example would be someone who is an illegal alien has finished doing their time in jail, whether it is 1 year or 5 years, whatever, they simply turn them over to us and then ICE sends them home.

It is inconceivable to me why any elected official or anyone would not want us to do that. It is free, it gets someone who is very bad or bad out of their community.

But, you know, politics are politics, but that is the best way to do it. If we don't do it there, which is safer for the communities, safer for my officers, and cheaper, then the officers have to go out and find them.

That means going into neighborhoods with the potential for violence, you know, knock wood, it is not very often, but occasionally, there is some shooting, or going and going to courthouses in other places. Of course, we don't do churches, medical facilities, schools. That is off the table.

But it is crazy to me that elected officials out there in America would not want us working side-by-side with law enforcement to take these folks off their hands in the jails.

Mr. PERRY. So let me just—this wasn't a question I had, but based on your comments then, it seems to me that potentially, the \$185.9 million request to hire additional enforcement and removal operation officers is a direct result of, to a certain extent, of certain cities or municipalities not cooperating with Federal authorities.

We have to have more of these folks because they are not in the prisons because they have to go out and find them out on the street. Is that—

Secretary KELLY. That—

Mr. PERRY. Is that generally correct?

Secretary KELLY. That is fair. That is fair.

Mr. PERRY. OK, well, that is a little unfortunate. Just finally, with your indulgence, Mr. Chairman, the temporary protected status, many of them designations expire in 2018, and I am just wondering, is your Department already in the process of reviewing the TPS countries and what factors you will be considering when determining whether or not to re-designate those folks?

Secretary KELLY. Yes, Congressman, we are.

Mr. PERRY. All right. Thank you, Mr. Secretary. Thank you.

Chairman MCCAUL. The Chair asks unanimous consent the gentleman from Michigan, Mr. Bergman, be allowed to sit on the dais and participate in today's hearing. Without objection so ordered, sir.

Chair now recognizes Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

General Kelly, thank you for your service and it is good to see you here. The State of New Jersey and the district I represent is of extremely close proximity to where the 9/11 attacks took place. Would you agree that our region, given its symbolic significance, our dense population, and intensive economic activity, remains one of the highest security threats in the Nation?

Secretary KELLY. Yes, sir.

Mr. PAYNE. You know, by the Department of Homeland Security's own estimation, New Jersey has the most dangerous 5-mile stretch in the country where the Ports of Elizabeth and the Northeast Corridor Railroad, North Liberty National Airport and the Garden State Parkway and the New Jersey Turnpike intersect.

We are very concerned with respect, with the proposed cuts to UASI, as Mr. King, the former Chairman of this committee, mentioned, Mr. Keating. UASI grants, poor security grants, and the transit security grants to the elimination of 75 percent of the VIPER teams and dramatic reductions in research and development activities related to protecting against chemical, biological, radiological, and nuclear threats at the science and technology doctorate.

This budget abandons my district and, we feel, the country, while throwing money toward the construction of the border wall. This budget and its cuts really terrifies me.

How do we continue to keep the homeland safe with these dramatic cuts and also support our first responders, who have done an incredible job throughout the years. With these cuts, I don't understand how we can do both. Can you explain, with this budget?

Secretary KELLY. Well, of course, Congressman, the whole point, initially, of the many, many billions of dollars that was dispersed by the Federal Government to various municipalities came as a result of, you know, clearly 9/11 and as good as the first responders were in New York City and here in Washington when the plane hit the Pentagon.

We are in a different place now, and of course I wasn't here, I was off fighting the war, but the idea was these grants would help municipalities train to these kind of threats and these catastrophes, buy equipment if they didn't have them already, and get them up to a certain point and they are.

I think you would, you know, acknowledge that the law enforcement, the first responder community, certainly in your part of the world and I think throughout the Nation, are in a different place today than they were 10, 13, 17 years ago.

So now we are kind of in a sustainment phase to where they have bought the equipment that they think they needed, they have done the training and at this point, the thinking is, not all, but the thinking is now that the States, the municipalities, would pick up that sustainment. So that is kind of what the background thinking is at on this.

Mr. PAYNE. Well, but, you know, and I am sure, you know, from your vantage point, you know that the threats continue to evolve and so the continuation of those grants and the need to continue to have our first responders equipped with the training and the equipment that they need to respond to this evolving threat continues.

So just as the Army—the armed forces come to continue to train and retrain, we feel that these grants need to stay in place because of that evolving threat.

Secretary KELLY. Well, you could make a case actually on the evolving threat, as I see it, that, as I mentioned a little earlier, every large city, small city, village, town, in a sense, is under threat as well because of these so-called home-grown lone-wolf terrorists. I don't know how to fund to that.

I think the possibility of a 9/11-type attack is not impossible, but I think fairly remote. But I think across our country the domestic threat is everywhere and I don't know how, again, to prevent it or train to it. The good news is we have tremendous law enforcement professionals that, unfortunately, get a lot of experience in dealing with this.

But that is where the solution of this kind of threat is, and many of the grants, some of the grants have been reduced by certain amounts of money and the idea is that the States would put their own money against it to sustain. But I don't know how to, going forward, how we address this, as you say, this current, you know, morphing of the threat and it will change again and we will adjust to it again.

Mr. PAYNE. Thank you, and I will yield back at this time.

Chairman MCCAUL. The Chair thanks the gentlemen.

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

Mr. KATKO. Thank you, Mr. Chairman, and thank you, Mr. Secretary, and I want to honor you on your long and storied career in the military prior to coming to continue your service in Government with Homeland Security.

I am particularly mindful of your career now that I recently swore in my son as a second lieutenant, my oldest boy, in the Army, and so—I know, it is the Army. I know. I tried to talk to him.

Secretary KELLY. It is a pretty good outfit.

Mr. KATKO. But it is, you know, it really brings to mind the tremendous sacrifices that our men and women in uniform do every day and I sincerely appreciate that. I want to talk to you about a couple of bills that I have had pass the House that are in various stages with the homeland security and I would like to ask about them.

The first one, briefly, is a Northern Border Security Review Act, which mandates that Homeland Security complete a comprehensive threat analysis of the Northern Border by next week—

Secretary KELLY. Next week.

Mr. KATKO. I just want to know if you have had any preliminary indications from that of what the findings are, and more importantly, whether we are going to have that soon because my colleague, Ms. McSally has graciously agreed to conduct a hearing with her committee and my input on this very topic in the not-too-distant future, so, I think we could start with that one.

Secretary KELLY. Well, Congressman, I am confident that we will hit the 14 June date, but no, I have not been given, you know, any kind of preliminaries on this. We would expect it, certainly, within a few days, but, my belief is that we will hit that mark.

Mr. KATKO. Very fine. Thank you. Now, turning my attention to another bill, a Counter-Terrorism Advisory Board Act of 2017 passed the House by unanimous support, both from this committee, and from the House as a whole.

It is over in the Senate, and several months ago, your office signaled to the Senate committee that is charged with dealing with that bill that they weren't ready to support it yet.

Part of the signal was that you needed time to review it and see what you wanted out of the Counter-Terrorism Advisory Board, which I certainly understand. Have you been able to make any more determinations as to that bill?

Secretary KELLY. You know, if you wouldn't mind, sir, I would like to take it for the record so I can give you a good answer, but, as of right now, you know, any effort to give me advice on issues like this would be welcomed. I don't know exactly what is in the bill, but if I could take it for the record, I would get it right back to you.

Mr. KATKO. Sure, and just as a quick summary for you, it is a practice that has developed that is merely codifying the practice that has been developed over years at the Homeland Security.

It is something just seems to be common sense to make sure the agencies are talking together and not make it optional, to make it more of a mandatory thing that they are talking to each other, which, of course, in this day and age, seems to be pretty common sense. So hopefully we will talk about that.

Now that I have a few minutes, I would like to just kind-of hear from you what your thoughts are about the procurement issues that seem to plague Homeland Security. I am very mindful of it in the context of the TSA subcommittee, which I chair, and in that subcommittee, it is pretty clear that the procurement process still is lagging behind the technology that the bad guys are advancing.

Obviously, the genesis of the laptop ban overseas was a result of technological advances that the bad guys are making and my con-

cern is that we still don't have a good process from the time an idea by a vendor is presented, especially if it is a new vendor, to the time it gets to the front lines. So, if you could talk about that, I would appreciate it.

Secretary KELLY. I think it is a great question. I think I would open it by saying one of the biggest shockers to me when I took this job was to find out how disparate a lot of things are.

You know, I came from the defense world which procurement is not perfect, but there is a system and it takes into account the needs of all of the, you know, the Army, Navy, Air Force, Marines, and makes them work together for obvious reasons.

You know, I came to this job and I was stunned at frankly how many people have a voice in how the Department is run. I think we answer to 119 committees and sub-committees. I mean, it is almost an impossible task. But the point is, I know that Jeh Johnson, just before he left, shortly before he left, put in this Unity of Effort thing, which I think procurement falls squarely under.

Since I have been in the job, I have wanted to direct it to staff and the leadership to inject steroids into that process to find ways to, across the Department, solve some of these problems.

Elaine Duke, who is my Senate confirm, now the No. 2 in the Department, has a lot of experience in this. She has taken this on by my direction to start to solve these issues to include acquisition, procurement, and if we—there are a couple of people that we have nominated to come in to take over various positions, one of whom has a lot of DOD procurement acquisition experience. I hope when she shows up, if she shows up, that we will start to get our arms around the problem.

But you are right, terrorists are agile, quick, and have unlimited resources to blow up airplanes. To counter those threats, it takes time and money to develop technology. We are not fast enough.

Mr. KATKO. But the private sector does. There are a lot of technological advances in the private sector and the common refrain I hear from them is that it takes too long for them to get the attention of TSA or Homeland Security and then it takes too long before they are processed, once they get their attention, to getting on the front lines, so, I—

Secretary KELLY. Trying to solve it.

Mr. KATKO. Yes, we have to get the best weapons out front, so thank you very much.

I yield back, Mr. Chairman.

Chairman MCCAUL. The Chair thanks the gentleman.

The Chair now recognizes gentlelady from New Jersey, Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you very much, Mr. Chair.

Good morning to you, Mr. Secretary. As you know, Mr. Secretary, based on security threats overseas, TSA had banned carry-on laptop computers from certain foreign airports and is reportedly contemplating expansion of that restriction, possibly to include some of the other or all European airports.

My question to you is two-pronged. What is the status of the laptop ban and possible expansion, and if implemented, how would DHS work with stakeholders and passengers to ensure a smooth transition to these new rules?

Secretary KELLY. Before I even start, the ban was put in place, or the action was taken by me, not TSA. That was my decision—

Mrs. WATSON COLEMAN. Thank you for the correction.

Secretary KELLY [continuing]. A very informed decision. So, what brought me to that decision? A very, very real threat, a very sophisticated threat, and not just one, emanating from the Middle East to knock down one of our airplanes in flight. There are many ways to do that and they try every day.

Mrs. WATSON COLEMAN. Mr. Secretary, can I just please—

Secretary KELLY. Sure.

Mrs. WATSON COLEMAN [continuing]. Interrupt you? Because I agree with you, and so I am not questioning—

Secretary KELLY. I understand.

Mrs. WATSON COLEMAN [continuing]. That this ban was put into place. I just want to know the status of it and the status of the expansion of it, but I am not arguing the legitimacy of it.

Secretary KELLY. No, but I just wanted to say this, that—because believe me, I wrestled with this and the committee needs to know that this is a very serious constant threat to knock down an airplane.

So, the intelligence that I can't go into, led me to make a decision that there were ten last points of departure, air fields, that we thought were most at risk. Didn't have anything to do with where they were or what their religions were or all of that. It was that those places did not have the ability to detect this very sophisticated device among other things.

So where am I now? We are looking right now at an additional 71 airports, last points of departure. But, that said, we are also working, and this has stimulated a lot more cooperation from our partners overseas.

We are also looking at ways that we think we can mitigate the threat. Not eliminate it, but mitigate it. So in an attempt not to be put on the ban list, if you will, many, many countries are leaning forward.

We have had meetings with the European Union, my deputy is going out to a large conference in Malta next week to present what we think are the minimum increased security standards. So whether we, and present those to people and say if you meet these standards, we will not ban large electronics in a last-point-of-departure airfield.

Now, that said, the other thing I am trying to get my arm around, it doesn't fall into my lane but I am working with the Transportation Department. There is a lot of talk out there that lithium batteries are dangerous, in and of themselves, that they just spontaneously burst into flame.

Some will say eh, not much of a threat. Others will say it is a real threat. So, with a lot more electronic devices in the cargo compartment—

Mrs. WATSON COLEMAN. Thank you.

Secretary KELLY [continuing]. Is that more of a threat? So, we are also dealing with that, as well. So, going forward, the plan is to say, "These are the new minimum security things that you need to do at your airports. If you do that, then you can fly to the United States directly."

Mrs. WATSON COLEMAN. Thank you. I wait to be briefed even more when we go into our Classified briefings. Thank you for that. I also know that our relationships with our European allies is very important here, so I look forward to your cautioning our President on the kind of tweaks that don't necessarily facilitate the collaboration and cooperation we should be enjoying.

There are a lot of problems that I have seen with this budget. One of the one that particularly concerns me is the 9 percent reduction to the Office of Inspector General. I am particularly interested in the fact that the I.G. is conducting an investigation of allegations of sexual misconduct by the CBP officers at the Newark Airport.

Last month, Ranking Member Thompson and Congressman Payne and I sent the CBP a letter asking for some information, some update and some additional information with regard to what they are doing about this issue.

To date we have not received any kind of response, not even we have received it and we will get back to you. So I am glad to hear that you have every intention of responding to every Member's questions and queries to your office.

So I hope that you will go back and look into this. This letter is dated originally March 15—I mean May 15. Give us some idea as to when we could possibly receive a response.

But my question beyond that is that I think that given the growth that you are proposing in your Department, given these issues that are arising and other issues that are arising, how do you think the I.G. could continue to do its job to the degree that it needs to do it if its budget is cut by 9 percent?

Secretary KELLY. Well, they can, you know, everything they do, whether I ask them to do it or they come up on their own to do it, everything they do, of course, is prioritized.

As an example, in the case you are talking about in Newark, and not presupposing the end result of an investigation, the first thing I did when I heard about it was ordered CBP to take action up there, not assuming anyone's guilt, just to take some action.

Part of that action was to offer those who were reporting the fact that they were hazed in the way that they reported, to get them medical help or psychological help. It was counseling.

So we did those things, and I, you know, and the I.G. was right on it. There are probably any number of other things that I would like the I.G. to look at or he will decide what to look at on his own, but it is always a matter of prioritization and obviously with a 9 percent cut we will have to prioritize a little better.

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

Mr. Secretary, thank you. I do think it is really important not only to look at what is happening in Newark, but perhaps there could be a problem of this nature at other airports. It is something that you all really do need to get on on looking into.

It still gives me pause that the I.G.'s office, that I think is such an important function, should suffer this 9 percent decrease at a time when there are so many competing priorities that we are experiencing.

I have a lot more questions. I mean, I have a real problem with what is happening with the VIPER program, but I am out of time

and I don't want to be gavelled, so I am going to yield back to my—

Chairman MCCAUL. Very wise—

Mrs. WATSON COLEMAN [continuing]. Chairman that I yield back. Thank you.

Chairman MCCAUL [continuing]. Very wise decision.

[Laughter.]

Thank you.

The Chair recognizes Ms. McSally.

Ms. MCSALLY. Thank you, Mr. Chairman.

Thank you, Mr. Secretary. First I want to say it is good to see you again, and I know our staffs have been working together and we have talked about this.

My first question is about the Douglas port of entry. As you know, built in 1933, woefully inadequate, 7.6 million people went through last year, 2.2 million cars, \$4 billion of economic activity. As you know, 90 percent of the hard drugs are coming through the ports of entry.

So where is the modernization of the Douglas port of entry on your 5-year plan? We know it is in there, but can we see where it might be? Is it going to be next year? Where in that 5-year plan?

Then the new commercial port of entry project, I know the administration is talking about large infrastructure projects. I also want to know whether you are talking to them about including ports of entry in infrastructure discussions because these are so vital for economic development and also for security?

Secretary KELLY. Congresswoman, so I don't guess on the first question, let me take it for the record and I will get back to you in writing.

On the second issue, part of, as I say, I think you—I am sure you were here when I took my guidance from the President early on about the Southwest Border. Yes, secure it, but have it open to legal movement and all.

There are many places, in fact, all places I would argue right now at all the ports of entry we need to improve so that we can facilitate faster movement.

We have some great, innovative things to even speed it up more with facial recognition technology, that kind of thing working with the Mexicans, and as well as the Canadians in terms of how we can pre-clear that kind of thing.

So yes, I mean, all of the ports of entry need to be upgraded actually going both ways, south and north.

Ms. MCSALLY. Right.

Secretary KELLY. So I am—

Ms. MCSALLY. Is this going to be part of the larger infrastructure initiative coming from the administration?

Secretary KELLY. You know, I don't know what they are thinking about, but certainly this would be, in my view, part of the secure the border initiative that I am dealing with.

Ms. MCSALLY. OK. Well, I believe it needs to be. I have talked to Secretary Chu about it. I would love to maybe follow up to make sure that that voice—if we are talking infrastructure—

Secretary KELLY. Right.

Ms. MCSALLY [continuing]. It is not just roads and bridges, which are important, but it is also these ports of entry.

Secretary KELLY. Absolutely.

Ms. MCSALLY. OK. Thank you. I want to follow up on the DACA issue. You know, while I don't agree with kind-of how it was done from roles and responsibilities of the branches of Government, the reality is that we are dealing with real people.

These kids who were brought here into the country at no fault of their own as children, as you know, and in Arizona there are 57,000 of them.

Because of the program they came forward to the Government. They gave their personal information, where they live, their biometric data, their fingerprints. They went through a background check. They have graduated from high school. They have served in the military.

I agree with you that we need to come up with a legislative solution here to address this issue. I would urge our colleagues to do that. I think Carlos Curbelo's bill is a good place to start and I really think we need to move that forward.

But in the mean time, uncertainty certainly brings fear to my constituents that are in this limbo. Can you assure my constituents, who are in this place, until we solve this legislatively, that they are going to be protected and that they are not having to worry about it?

Secretary KELLY. As I have said many, many, many times on this topic, we are not targeting DACA recipients.

Ms. MCSALLY. Well, what—

Secretary KELLY. But that said, I am not going to let you off the hook. You have got to solve this problem. A different man in this job or woman might have a different view of it. I am not going to let the Congress off the hook. You have got to solve it. A different person in this job might have a different view.

Ms. MCSALLY. Got it. I agree with you. Again, I want to urge our colleagues on both sides of the aisle to deal with reality. Forget about ideology or how we got here, but now we are dealing with reality and we have got to solve this problem based on what is practical and what is compassionate and also upholding the rule of law and the precedent. So I appreciate that. Thank you, Mr. Secretary.

I have a bill coming before the floor today related to staffing issues, the shortages that you have both in CBP officers and Border Patrol. Again, this has nothing to do with increases. We have been working with the last administration on this.

You are 1,000 short in the blue suiters and 1,800 short in the green suiters. This is impacting, again, lanes being closed, security and economy being impacted.

Can you talk to me about, you know, whether you support our bill to fast-track our veterans and those who served honorably in law enforcement to give them an opportunity to, you know, to get hired quicker?

Then also assure my colleagues who may be not supporting my bill, that you have strong anti-corruption measures in the Department that in the hiring process going through a Tier 5 background check like in SSBI like we went through, but also in on the job that

there are strong anti-corruption measures to make sure that everybody is doing their job correctly?

Secretary KELLY. Yes, I mean, there are strong anti-corruption measures. We have internal looks all the time to see and, you know, to see if there is any misconduct. Every now and again, unfortunately, there is someone will get caught doing something, but it is not the one or two that are caught. It is the tens of thousands that do their job every day without doing anything wrong.

Ms. MCSALLY. Right.

Secretary KELLY. But really, anti-corruption starts with who you hire. So we have to maintain the standards, vetting, and all the rest of it. It is an amazing thing to me that it is easier to join the U.S. armed forces than it is to be a CBP or an ICE officer.

Ms. MCSALLY. Right.

Secretary KELLY. In fact, the vast majority of the people in, well, let me say in many, many places that I deal with, couldn't qualify, couldn't be vetted to be an officer. So they are very, very good people. Occasionally bad ones, but we take care of that through the law or through just getting rid of them.

So but I do support anything that would speed up the process so long as we don't skimp on the quality and the vetting to put more men and women to work for that.

Ms. MCSALLY. Thank you. We did get a letter of support from your Department and also the noncommissioned officers association, fraternal order of police and others. Again, this is people who have already been vetted—

Secretary KELLY. Yep.

Ms. MCSALLY [continuing]. Who are going to have to go through background check as well. So I appreciate that.

Thanks, Mr. Secretary.

Chairman MCCAUL. The Chair recognizes Miss Rice.

Miss RICE. Thank you, Mr. Chairman.

Good afternoon, Mr. Secretary. On March 7 I sent a letter to you and the Department asking for information about several provisions of the President's Executive Order, otherwise known as the travel ban.

I have yet to get a response. It was about a specific provision within the E.O. that was not subjected to the TRO issued by the court. So I don't think there is an impediment in that regard.

Now, I say this without criticism. I am just—but with a deep appreciation for how incredibly busy you are. Now, fast forward I have subsequently sent a letter requesting similar information, obviously of an agency information, to OPM regarding cybersecurity and how we hire cybersecurity experts.

I was specifically told by OPM that the new policy is that the agency is no longer going to respond to individual requests by individual Congress Members but only by Chairman or Chairwoman of committees.

What I am asking—now, I am dealing with that, trying to figure that out. They have said that that is the new policy and I am asking you if that is the policy of Homeland Security as well?

Secretary KELLY. We have discretion so it is not the policy. As I say many, many times, I will answer as fast as I can any ques-

tion, so long as it is not pre-decisional. My legislative affairs guy is right behind me here.

I am a little bit angry the fact that you wrote a letter that you haven't received a response back to. So how about by Friday latest I will answer that? I will answer your original letter and——

Miss RICE. Well, I——

Secretary KELLY [continuing]. I apologize.

Miss RICE [continuing]. Appreciate that. No, no, no. As I said, without criticism. It is with total understanding of how incredibly busy you are, but I just wanted to get the answers to whether or not you agree with OPM or you have the same kind of policy with——

Secretary KELLY. I believe I have discretion to deal with the U.S. Congress in a legal way and my thinking on that is to lean forward and do the best I can to keep you all informed.

Miss RICE. But that is me as a lowly Member, not as a Chairwoman, right?

Secretary KELLY. That is you as a lowly Member.

Miss RICE. OK, great. Thank you. I appreciate that.

Mr. Chairman, correct me if I am wrong, but it was about 2 weeks ago, Mr. Secretary, that we spent some time with the police commissioner of the New York City Police Department and the Manhattan D.A.

Secretary KELLY. Jimmy O'Neill.

Miss RICE. Jimmy O'Neill, great guy—great guy. He specifically spoke about the UASI funding. The Chairman and he is not here now, but Congressman King were there as well.

I just ask—I mean, look, New York City is under a different responsibility because we have got to protect the First Family and that is coming with no help from the Federal Government. I am hoping that that is going to change.

Secretary KELLY. There is. That has changed.

Miss RICE. That has changed? OK, great. But losing the UASI funding would result in—and this is according to Commissioner O'Neill, they would have to cut 600 officers who play a vital role in protecting New York City. That is including Trump Tower.

So just I am making a pitch for you to advocate with us. It would help for you, and I don't know if you don't think that this is your position, but I think that you are uniquely qualified to advocate for maintaining, if not increasing, those levels as opposed to cutting them, No. 1.

I also just want to throw in that the nonprofit security grant program that falls under UASI is more important than ever, given the hundreds of Jewish community centers, the JCCs and synagogues that were threatened around the country. I have one of the largest Jewish communities in the country.

So I would just—and obviously UASI is cut then that is probably going to go as well. So I would just throw in a pitch for that and for your advocacy on that issue as well.

A quick question on border apprehensions. They are at an all-time low, but we have also now recently seen a spike in people being deported who have zero criminal records. It appears that this administration has done away with enforcement prioritization for

ICE, which vastly expands the number of individuals that are priorities for removal.

I just want to ask you does ICE have a goal for the number of deportations this year, No. 1? No. 2, of the approximately 75 percent of ICE arrests that have prioritized criminals, "criminals," how many have been at annual check-ins for individuals under orders of supervision with status-based offenses?

Otherwise, people who have maybe had a minor infraction but are complying with the court-ordered requirements, law enforcement requirements? What percentage of the 75 percent are those people?

Secretary KELLY. I will do this as quick as I can. I would ask the Chairman for a little bit of time to go over the Congresswoman's time here. As far as ICE goes, ICE is working. They have no quotas. They are limited only by the number of officers that they go to work every day and they go to work every day and work hard.

They are focusing, as I have mentioned so many times, on people who are here illegally and are criminals. Now, criminals are—that is a relative term, but are criminals.

Now, some individuals will—you know, illegal individuals will fall into their hands as an example, if they go to a house, knock on the door, there are five people there. One is the guy they are after and two others are illegal. They will take them into custody. They put them in the process. They are usually out in an hour or two.

Then they are into the process which is, obviously, oftentimes very lengthy until they get either deported or allowed to stay here. So that is one group. That is what ICE does.

The other group would be CBP picks someone up on the border, as an example. They are illegal. Turn them over to ICE. ICE then processes and then they go into a process.

Kind of the stories you hear that someone was here for 8 years, hasn't done anything wrong and all of that, and then has an order to be deported, that is done by the immigration judges/Justice Department, immigration judges in Federal court.

So I was just looking at one the other day. You know, it was a 16-year-long process. Yes, he was here 16 years, but at the end of the process a judge says you are going back to where you came from.

We have no discretion. Even if I had discretion, if you have gone through the law, the lawful process that this institution has passed, and at the end of that process a Federal judge or an immigration or whoever judge says you are out of all your appeals, this is years-long, you are out of all your appeals. You have to go home. Then ICE takes them into custody and deports them. So that is two.

The second category, those people may never have done anything wrong, but they went through the entire process and the judge says deport them, and we can't ignore that. It is a Federal judge or an immigration judge. So that is the two categories of people.

ICE is looking for people who are here illegally and are criminals. That is their priority. They have no quota.

Miss RICE. OK. Thank you for that answer.

Mr. Chairman, just 30 seconds, your indulgence? Just going back to the UASI thing, I can't accept that this money is just to bring people up here and then we are leaving them in the lurch. New York City is one of the highest-taxed States in the country, and what I hope from a law enforcement perspective is we want to encourage agencies like the NYPD, which are under constant, constant pressure, as you pointed out, New York City being one of the biggest targets, to always have the best technology and, you know, staying one step ahead and foiling all of these innumerable plots that they have.

The Federal Government cannot be saying to these States and these law enforcement agencies that you are on your own. We just can't do that. This is a bipartisan—I mean, it is a multi-governmental investment, I think, that we need to make.

I hope that the Chairman agrees with me. Thank you very much for your indulgence.

Thank you very much, Mr. Secretary.

Secretary KELLY. All right. It wasn't on. They are by no means on their own. They are not in the lurch. They are very—particularly a place like New York, they are very, very good at what they do. We are still funding to a very, very high level there.

So it is—

Miss RICE. They are good with the Federal Government's help for sure. Thank you.

Chairman MCCAUL. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Mr. Secretary, very good to see you again, and I particularly appreciate—I want to mention again your comments last night at the tribute to the U.S. Coast Guard. Your clear support for the United States Coast Guard and the work that the men and women there do. I really appreciate that.

Secretary KELLY. Thank you.

Mr. RUTHERFORD. Particularly because I represent the Port of Jacksonville, Florida, northeast Florida, which we had 8.2 million tons of cargo last year. It is one of only 16 on-call U.S. ports authorized to move military cargo in support of our National security operations. So I am very attuned to their needs.

Really like many Members who represent ports, we have great concern that, you know, these ports actually become the Trojan Horse, if you will, to our National security.

I want to ask you about the 20 percent cut to the Science and Technology Directorate, which will eliminate the chemical and cargo security projects and yet on the other side I see where, you know, we are putting \$109 million into nonintrusive inspection equipment for marine facilities.

I will—I want to make this comparison between our capabilities for detection at ports and airports. The same kind of concern where we see this development of technology by those who wish to kill us.

The same evolutions that we see on laptops, for example, you know, we can see in ports. I just wonder why we are cutting 20 percent in our science and technology?

Secretary KELLY. Well, as they looked at it, and obviously it is a work in progress, Congressman, but as they looked at it there are, we believe, other laboratories developing technologies that we

can plug into, whether they are, you know, kind of Government laboratories or, frankly, many of the solutions, as you know, comes from the commercial sector who come in and say this is a great new idea, a great new widget. We can simply purchase it.

So the idea is that we would rely on, again, other laboratories doing similar work. So we have cut out the redundancy.

As far as the ports go, for sure we can't take our eye off of that. Mostly because of contraband that comes in. I have been down to Port of Miami and a few other places. I have got to get down to Jacksonville. I used to live down there. It is a great community.

See, but there actually it is pretty sophisticated as you know, not just the technology that looks into these containers, but why specific containers are taken aside.

This goes to the issue of intelligence collection, not only here in the United States but down in with our partners. The patterns through which that particular container may have moved or until it made—

Mr. RUTHERFORD. Right.

Secretary KELLY [continuing]. The Jacksonville. So they are actually pretty good at that.

But it is mostly contraband, drugs or whatever that come through that way. The destructive-type efforts by the terrorists, unless they have got an atomic bomb or an ability to make a dirty bomb, which, you know, knock wood right now we are confident they don't have that right now.

But the smaller devices to get on an airplane and blow it down, it takes a tiny amount of explosive in the right place to do that. So but I share your concerns about the ports.

Mr. RUTHERFORD. OK. Look, I know that you are committed to technology. I see where we are making some emphasis on the Rio Grande Valley. I am really glad to see that.

A small number of us had an opportunity to travel the Southern Border and I tell you, what is going on at Fort Huachuca with the big pipe and the technology and the organization that is going on there is incredible.

If you can reproduce that over the Rio Grande Valley, I think you will really see some great benefits.

Secretary KELLY. Sure.

Mr. RUTHERFORD. What concerns me when we talk about a wall, you know, I like to let folks know, look, it is not a barrier. It is just an impediment. When that breach occurs, and it will because they are going to go over, around, through, you know, then we have to have the resources, the staff to respond to that and capture these folks before they infuse into the country.

Can you talk briefly about how you intend to bring on those roughly 6,000 CBP members that we are going to need? You know, when you have a hiring process that was 460 days for processing? Can you talk a little bit about that?

Secretary KELLY. Yes, I mean, that is the most ridiculous thing I ever heard, 460 days to hire people, many of whom are coming out of law enforcement or the military. I mean, the best people on the planet.

That, I am told now, we have that process down and we are moving it down every day down to less than 200 days I think down in the 150-day.

Mr. RUTHERFORD. OK.

Secretary KELLY. We think we can get it down into the kind-of 60-, 90-day, and it takes that long for background checks and all that kind of thing. We will maintain the quality of the human material that comes in and we will maintain the training. I am not going to skimp on that. That is a huge mistake when you do those kind of things.

Mr. RUTHERFORD. Exactly.

Secretary KELLY. The U.S. military I could give you chapter and verse how many times in the past we grew too fast and then suffered consequences because we lowered the quality.

So we will get to whatever number we can as fast as we can, but never skimping on quality and training. I told them all I would fire them if they did either one of those two things.

That applies to hiring of the ICE personnel as well.

Mr. RUTHERFORD. Thank you, Mr. Secretary, and—

Chairman MCCAUL. The gentleman's time has expired.

Mr. RUTHERFORD [continuing]. I yield back.

Chairman MCCAUL. We have about 30 minutes left and we have six members. If we could do it 5 minutes each we can be on time.

Mr. Correa is recognized.

Mr. CORREA. Thank you, Mr. Chair. Thank you, Mr. Chairman McCaul and Ranking Member Thompson for holding this information hearing.

Secretary Kelly, I want to thank you very much for your commitment to keeping our citizens safe in this country. Your, of course your service to our country. Thank you, sir.

Very quickly talking about cybersecurity, I am pleased to see that \$971 million has been requested by the President for cybersecurity. I am one of the believers that the best defense is a good offense, and we do have to build up our cybersecurity capabilities as we have all learned recently.

That is why I will be introducing a bill today that will call on Department of Defense to update its cyber strategy and require the administration to draft the strategy for offensive cybersecurity capabilities, and of course, to authorize the expansion of our internet cyber cooperation with our NATO allies.

Given all of this activity in cyber, where do you think there is a challenge? Will we have a challenge in staffing up trained individuals that can deal with cybersecurity?

Secretary KELLY. Well, the challenge, of course, as you know this, Congressman, you are so very aware of it and up on the topic, the challenge is the enemy, the bad guys. You know, we deal with them, as you well know, with nation-states, terrorist organizations and just, you know, just vandals, if you will, that just enjoy doing these kind of things.

I would offer to you very quickly that in the malware case of a few weeks ago, we saw that develop. We, DHS, saw that developing in Europe and very quickly the U.S. Government went to general quarters, if you will, on it.

That was really amazing to me to sit in the sit-room with NSA, FBI, and dozens of other people on the phone, to include my own cyber warriors. It was really not only DHS, but DHS in the lead to defend our shores from that, excuse me, attack.

When you consider and we watched it spread Europe, Middle East, all the way out to Asia, hundreds of thousands of systems contaminated, and DHS, along with all the other efforts by the U.S. Government in the cyber world, managed to keep that threat, that infection, overseas with the exception of eight, I believe, machines.

An amazing thing, but that said, we can't rest because they are at it every day. So the great news is we have NSA out there fighting the away game in terms of cyber and at home here we have some great folks, FBI, and not DHS for sure, and not to mention our collaboration, our partnership with the public sector and the help we get from Microsoft, excuse me, Microsoft and others.

So it is pretty good news, but we can't rest on our laurels. You are going to—

Mr. CORREA. Mr. Secretary, look forward to working with you to see how we are going to be bringing in fresh recruits, cyber-trained—

Secretary KELLY. Yes.

Mr. CORREA [continuing]. Warriors, so to speak, to help us in this effort because we are going to be pumping a lot of resources into this effort. Just want to make sure that is not our bottleneck.

Secretary KELLY. Right.

Mr. CORREA. If I may shift very quickly to the border, border security. As many of my colleagues have stated, we do have a limited treasury, so to speak.

Not to repeat what has already been said here today, but in my trip to San Ysidro recently, a lot of your folks are telling me, like one of my learned collages said here, the vast majority of drugs, human trade, happens with vehicles, through vehicles, ports of entry.

Coast Guard commandant here a few weeks back said that they were lacking resources. The commandant testified that last year he identified 580 targets that they knew were carrying drugs into the United States but could not interdict them because, in fact, they lacked the resources.

Then you look at most of the cocaine, of course, 90 percent of it comes in through ships. There appears to be an emerging trend now that a lot of the drugs are beginning to go through Canada, easier ports to come in and then go south.

Then many of my colleagues said today funding for local funding, Federal local funding of republic safety officers. I had a local police chief that approached me this last week saying, "Lou, you have got to do something about this. We rely on those Federal grants to secure our communities, to make sure that we are working with the Feds to stop many of those, you know, locally grown threats."

So all of these, you know, factoids out there, limited treasury, can we still look at a border wall as being the best place to invest our resources to protect our citizens?

Secretary KELLY. The border barrier is a place to—I mean, this is a multi-faceted problem. It starts, frankly, once again, with drug demand in the United States. We don't do anything about it. But

if we were to reduce that that would reduce many of the problems we are dealing with here.

But the border barrier, backed up by technology and people, is only one part of the solution. But I would offer to you, sir, that once the drugs get into Mexico it—and they are broken down into smaller—well, a better way to put it.

Once they get to within a few hundred miles of the Southwest Border in Mexico, the cartels break them down into really, really relatively small amounts. Then the defenses on the border, the ports of entry, are overwhelmed with thousands of cars, perhaps, and trucks where this stuff is carried.

If you look further south, and we are doing that, I mean, last year with all of our cocaine consumption comes from is Colombia. Our No. 1 partners in the hemisphere. They get 417 tons of cocaine before it ever left their country and destroyed 4,000 drug labs before it ever came, you know, produced cocaine.

Then the United States Coast—well, a better way to put it, the U.S. military effort got, I think last year, 217 tons in the flow. Various partners, Panama, Costa Rica, Honduras got, you know, 15, 18, 25 tons apiece.

Once it gets into the United States, the entire law enforcement effort to go after cocaine, and I will use that example, that is 1 million law enforcement professionals, they only get 10 tons. So once it gets in or close to the border, if we are only relying on that, which we are not, if we are only relying on that we have lost.

That is why effort is down south. Now, what the Coast Guard commandant will tell you is, yes, when I was in SOUTHCOM I had an incredible—and we do today—have an incredible clear picture of the movement. I will use cocaine as the example.

But it takes ships to interdict them, so if we were to interdict—you know, for every ship you send down there, which is a Coast Guard cutter or Navy ship and we haven't seen a Navy ship down there in 2 years, for every ship that goes down there we can tell you how much cocaine that will take out of the flow.

Heroin is a different story, methamphetamines are a different story, but that is a great partnership with the Mexicans. They are getting after the poppy production, and they are getting after the heroin production. We help them with that. We don't help them on the ground. We help them find it, and methamphetamine as well.

Just a couple months ago they found one. We helped them find the other one—huge methamphetamine labs that they destroyed. So that is where really that you take the lion's share of this flow in the tonnages. But once it is on—close to the Southwest Border then it is in.

Chairman MCCAUL. The gentleman's—

Mr. CORREA. I yield, Mr. Chair.

Chairman MCCAUL [continuing]. Time has expired.

Mr. Fitzpatrick.

Mr. FITZPATRICK. Thank you, Mr. Chairman.

Mr. Secretary, good to see you again. If there is one thing that keeps me awake at night it is the Visa Waiver program. Every visa decision we make is a National security decision. There are currently 38 countries on the waiver program, initiated back in the 1980's with the United Kingdom, I believe.

I believe we had about 19 million travelers just last year alone on the program. To a sense its inclusion is decided by a number of factors, including the human development index.

We live in a very different world now in 2017 from a National security standpoint than existed back in the 1980's and 1990's as the program has continued to expand. Unfortunately, terrorism is no longer a regional threat. It is a global threat.

There are a lot of very good people that live in really tough places and there are also a lot of really bad people that live in really nice places like Paris and Munich and Copenhagen and Brussels and the like. Do you think it is time that we need to rethink our participation in that program as a Nation, given the threats that we face in 2017?

Secretary KELLY. I think, Congressman, it makes sense to upgrade what we are doing. The good news is in all of those countries, as you know, they have police and backgrounds and background checks and databases and all that. By the way, I think I said earlier, I don't know if you were here, that because of things that have happened in Europe recently and my move to ban large electronics in the passenger compartments of airplanes, have got them really enthusiastic about increasing their cooperation in coming up to the U.S. standards.

Some of them are already there. Many of the visa waiver countries are there. In fact, they are basic—that we use the same kind of criteria. But there are, as you know, we are pretty strict about visa waiver. I mean, even our great partner Israel, as good as they are at what they do, cannot qualify. There are other European countries as well.

But it is worth looking at it for sure. The one thing about the Visa Waiver program if a terrorist was able to get on a, you know, a U.S.-bound aircraft, we still have very, very good procedures to ensure—not guarantee—but to ensure that that individual is not carrying a bomb or a gun.

So when he gets to the United States he is now in the United States without a bomb or a gun. As you know, I think we are very, very good, particularly our great FBI and law enforcement people. We have got networks such as they are, under control—that doesn't take away the lone-wolfers now.

So we are in good shape but it is worth looking at it, and we are going to look at it. I have my No. 2 going out to Malta next week for a very large conference on this issue, to include the electronics ban that I implemented in 10 airports.

So I am with you, though, on the concern.

Mr. FITZPATRICK. Thank you, Mr. Secretary. If there is anything this committee can do to assist please let us know because it's very important.

Secretary KELLY. I will.

Mr. FITZPATRICK. I have 2 minutes left here. It is good that we are increasing the budget for DHS this year. That is definitely needed. It is being drawn back in a couple of areas that are concerning, as was mentioned here, FEMA and also the OIG. OIG, I think for every dollar spent that is going to result in a cost savings.

If we can expand its scope, if we can expand its numbers, expand its budget, since its mission is to cut back on fraud, waste, and

abuse, ultimately I believe that will streamline and save money. So to the extent that you could advocate for that, I think that would be a good idea.

Secretary KELLY. Yes, sir.

Mr. FITZPATRICK. I yield back.

Chairman MCCAUL. The gentleman yields back.

Mrs. Demings from Florida.

Mrs. DEMINGS. Thank you so much, Mr. Chairman and Mr. Secretary it is good to see you again. During 9/11 I was assigned to the Orlando International Airport as a police captain. I was also the vice president of the International Association of Airport and Seaport Police.

So I had an opportunity to work with law enforcement all over the world, our Federal partners, airport authorities, to restore trust and assure the safety of the traveling public.

In other words, Secretary Kelly, as you know, we have come a long way in this country. It would be a shame if we allowed ourselves to go back.

We had, as you know, recently the shooting in Fort Lauderdale. Also had an incident in Los Angeles, and I think there is no greater time when we need law enforcement presence in our airports. However, in President Trump's budget he proposes a cut to the LEO Reimbursement program, which would take law enforcement officers away from our exit lanes and other places.

How would you, working with the TSA, guarantee that there is really not a diminish in law enforcement presence in our airports?

Secretary KELLY. Well, the actual expectation is that—well, let me back up and say every time I talk about doing something security-wise in airports, I immediately get calls from mayors and the airport industry to say, hey, don't do that because this airport generates unbelievable amounts of money for this community, this city, whatever.

So that is—

Mrs. DEMINGS. I remember those days, but 9/11 kind-of changed that response, too. It is a shame we are kind-of going back to that concern, but—

Secretary KELLY. But that said, as you know, the TSA not really a law enforcement organization, no arrest and all of that. Clearly that is a State and local responsibility and we have taken—I would say TSA, because they are not law enforcement and a lot of other reasons, have taken on things in the airports that are probably inappropriate for them.

I don't believe TSA should be made law enforcement. They do a very, very good job at what they do. So the idea is that where we can't secure doors and things like that, then the expectation would be that the local law enforcement would take that responsibility.

Because ultimately they, in fact, have the law enforcement responsibility in the building or on the facility.

Mrs. DEMINGS. So then resources would not be available though to supplement funding for those officers and you would ask local jurisdictions to assume that within their budgets?

Secretary KELLY. That is where we are at now.

Mrs. DEMINGS. OK. I know you have heard this term many times. I have to say it again, especially being from Orlando, regard-

ing the UASI funding. As you know, Orlando now has the unfortunate distinction of being home to the deadliest mass shooting. We are almost at the 1-year mark, where, you know, a lone-wolf terrorist walked into a nightclub, killed 49 people and injured many, many more.

Law enforcement under the circumstances I think did an unbelievable job on that night, but we know that they are also responsible for the 1.2 million residents who live in their community, as well as 68 million people who visit Orange County every year.

So could you—and of course Orlando is not on the list to receive funding. So could you, Secretary Kelly, talk a little bit about the methodology? What are some of the things that you look at?

It is a little bit confusing that at a place that is so responsible for so many people with the deadliest mass shooting, it is not on that list. So could you talk a little bit about the methodology?

Secretary KELLY. I think you know this. The way we determine the risk is it is a Congressional program and then DHS/FEMA plug in various factors and then that comes out with what municipalities are considered to be higher risk and lower risk.

So when we did that this year, and it has to do with population and a lot of other things, DOD facilities, critical infrastructure, and all of that goes into the formula as set by the Congress. Orlando didn't come out high enough to get funding.

Mrs. DEMINGS. I know that the administration—

Secretary KELLY. The—

Mrs. DEMINGS [continuing]. Is also looking at a cost sharing of 25 percent I believe.

Secretary KELLY. Right.

Mrs. DEMINGS. If a jurisdiction is unable to meet that amount that is on the list, will those funds be reallocated? If so, what is the formula for that?

Secretary KELLY. Yes. I think if the expectation is they will be able to meet it. It is an important thing. Twenty-five percent doesn't seem like an unreasonable amount for—

Mrs. DEMINGS. But if for some reason they were not able to meet—

Secretary KELLY. Then that would be their decision.

Mrs. DEMINGS. Would those funds be reallocated to another jurisdiction?

Secretary KELLY. You mean all of the funds, the 75 percent?

Mrs. DEMINGS. Would another city then move up to be on that list?

Secretary KELLY. That is not the way. I don't believe—I will get back to you. I don't believe that is the way it works.

Mrs. DEMINGS. OK. Thank you.

Thank you so much, Mr. Chairman.

Chairman MCCAUL. The gentlelady yields back.

Mrs. DEMINGS. I yield back.

Chairman MCCAUL. Mr. Higgins is recognized.

I am sorry. Mr. Garrett is recognized.

Mr. GARRETT. Thank you, Mr. Chairman.

Thank you, Secretary Kelly, for your indulgence. I will tell you that some of these questions might seem really easy, and it might

be because they are. So I would start off by querying whether \$44.1 billion is greater than \$42.4 billion?

Secretary KELLY. It is.

Mr. GARRETT. OK. So would it be reasonable to suggest anyone decrying a massive slashing of the Homeland Security budget as being hyperbolic, if not maybe even more sort of Chicken Little-ish, if I were to suggest that?

Secretary KELLY. No.

Mr. GARRETT. OK. So what we have actually seen with this budget is a reappropriation of homeland security dollars, correct?

Secretary KELLY. Right.

Mr. GARRETT. In fact, that reappropriation was done with the intent of securing to the best of our ability with finite resources the homeland within the purview and scope of this particular portion of the budget?

Secretary KELLY. Yes, it was the intent.

Mr. GARRETT. Yes, sir. Let me ask you another question that might seem easy. It seemed so to me. Is securing our Southwest Border important to homeland security?

Secretary KELLY. It is very important, yes.

Mr. GARRETT. OK. Is building a barrier in areas where it is practicable and where there are terrain or remoteness situations that cause it to be unnecessary, important to securing our Southwest Border?

Secretary KELLY. Barriers, physical barriers backed up by people and technology are critically important to secure the border.

Mr. GARRETT. Yes, sir. So generally speaking, and I understand this is a broad, generalization, is it easier to stop attackers—let us use the paradigm that you described with cocaine seizures on the side of production versus inside the United States versus man hours, manpower and dollars spent, is it easier to stop would-be evildoers prior to entering the country or after they are already in the country?

Secretary KELLY. Prior to entering is the way to do it.

Mr. GARRETT. So that might be a reason that someone might prioritize securing our borders?

Secretary KELLY. That is one of the prime reasons, yes.

Mr. GARRETT. OK. Changing the subject, somewhat tangentially, but I think certainly related, do you—and I don't know the answer to this one for a change. do you know if operator license, driver's license applicants are screened against the TSDB?

Secretary KELLY. I would have to take that for the record right now.

Mr. GARRETT. I would love for you to.

Secretary KELLY. I believe so, but let me take it for you.

Mr. GARRETT. Well, if you could that will be wonderful and greatly appreciated. I think it is a relevant question because I think then the next question comes if we use the TSDB against operator's license, driver's license applicants, and not against but to screen, right—name, date of birth, Social Security number, is that also done in States that issue operator's licenses to undocumented immigrants, that is resident permits, et cetera?

Secretary KELLY. I would have to get back to you, sir.

Mr. GARRETT. OK. And—

Secretary KELLY. But I will get back to you.

Mr. GARRETT. I am not trying to make you look bad.

Secretary KELLY. No, sir. These are——

Mr. GARRETT. I think——

Secretary KELLY [continuing]. These are way down in the guts of the Department, but——

Mr. GARRETT. Yes, sir, and I concede that on the front end. I always wonder what we can do in this body to help you do what I believe you at your word are trying to do. I am walking down that road here a little bit.

Are you familiar with the IAFIS, the Integrated Automated Fingerprint Identification System?

Secretary KELLY. I am.

Mr. GARRETT. Are you familiar with the fact that the vast bulk of data gathered through the Integrated Automated Fingerprint Identification System is submitted to the FBI voluntarily?

Secretary KELLY. Yes.

Mr. GARRETT. OK. Do you know or could you have someone get back to us on whether States or cities or States that exercise sanctuary policies actually collect and voluntarily submit fingerprint data on individuals they believe to not be here as legal residents?

Secretary KELLY. I will get back to you, but I doubt it. I very much doubt that the——

Mr. GARRETT. Wouldn't that——

Secretary KELLY. I mean the cooperation is pretty poor when they get into this sanctuary city thing.

Mr. GARRETT. So might it not put our Nation at risk if we have a locality that decides not to submit fingerprints on identified criminal suspects or theoretically criminals because they choose not to voluntarily coordinate with the FBI's fingerprint system?

Secretary KELLY. There is no doubt, Congressman, that the more we have in the data base the better we are in terms of identifying bad actors, whether they are terrorists or criminals.

Mr. GARRETT. That would be my next question, and that is the bad actors that we catch might not just be habitual drunk drivers who certainly have the ability to impact horror, but potentially foreign extremists, terrorist elements as well.

Secretary KELLY. No doubt.

Mr. GARRETT. OK. I have got 38 seconds. Let's see what we can do. On cyber defense, do you know how many different government entities play a role, ballpark?

Secretary KELLY. A large number, but it is I think you know in terms of the non-defense, non-intelligence kind of effort, DHS is the overall coordinator within the Government.

Mr. GARRETT. Yes, sir. Which is why I am asking you for your reassurances that the coordination between these entities is important. Obviously you are well-aware that prior to 9/11 one of the problems that we learned of afterwards was that we had some intelligence but the left hand wasn't talking to the right.

Will you assure me that you are doing everything you can to make sure that that information is cross-channeled on cyber and that we are also coordinating with the private sector and that is——

Secretary KELLY. Absolutely. As I just described briefly, when I saw that when I was in the situation room watching the spread of that malware, it was amazing. It was really comforting to me at how many people in our Government were all coordinating and had been from the minute they detected the fact that there was a, you know, an attack.

Mr. GARRETT. Thank you so much.

Thank you, Mr. Chairman.

Chairman MCCAUL. Thank you, sir. That was a real success.

Secretary KELLY. It was really something to watch, yes.

Chairman MCCAUL. I mean, I was very proud.

Secretary KELLY. I had no idea we were that good.

[Laughter.]

Secretary KELLY. I mean collectively, all of us.

Chairman MCCAUL. Getting better.

Secretary KELLY. Yes.

Chairman MCCAUL. Ms. Barragán from California.

Ms. BARRAGÁN. Thank you, Mr. Chairman. I would like to ask for unanimous consent to enter into the record a letter from the American Association of Port Authorities expressing their priorities, such as addressing CBP sea port staffing issues and fully funding port security grants crafted by security committee, of which the Port of Los Angeles is part of and which I am proud to represent.

Chairman MCCAUL. Without objection so ordered.

[The information follows:]

LETTER FROM THE AMERICAN ASSOCIATION OF PORT AUTHORITIES

AUGUST 2, 2016.

The Honorable DUNCAN HUNTER,
Chairman, *c/o John Rayfield, House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, 223 Cannon House Office Building, Washington, DC 20515.*

The Honorable JOHN GARAMENDI,
Ranking Member, *c/o Dave Janson, House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, 2438 Rayburn House Office Building, Washington, DC 20515.*

The Honorable MARTHA MCSALLY,
Chairwoman, *c/o Paul Anstine, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, 1029 Longworth House Office Building, Washington, DC 20515.*

The Honorable FILEMON VELA,
Ranking Member, *c/o Alison Northrop, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, 437 Cannon House Office Building, Washington, DC 20515.*

DEAR CHAIRMEN HUNTER AND MCSALLY AND RANKING MEMBERS GARAMENDI AND VELA: Thank you for the opportunity to provide your committees with follow-up port security funding and policy recommendations from the July 7 joint hearing titled *An Examination of the Maritime Nuclear Smuggling Threat and Other Port Security and Smuggling Risks in the U.S.*

Security is based on partnerships, information sharing and leveraging existing resources. We believe that enacting and engaging on the AAPA recommendations outlined in this document will make our ports and communities more secure and efficient.

During the hearing, Ranking Member John Garamendi requested follow-up information on specific port security policy and funding resource needs and challenges. The following are recommendations from the American Association of Port Authorities' (AAPA) Security Committee:

FBI CLASSIFIED BRIEFINGS

Security leadership must have access to complete and timely information that could impact their threat environment and help drive operational decision making for port security assets as well as influence strategic security program development. Ports are critical infrastructure, vital components to our National economy and local communities. Because of their importance both Nationally and locally, ports have long been identified as potential targets. Through the Port Security Grant Program and First Responder programs, ports have an excellent and proactive relationship with local law enforcement. However, with potential threats emanating overseas, ports and their security leadership need to be cued into the National security apparatus.

Recommendations

Security Clearance.—AAPA recommends that Port Security Directors and Port Directors be processed and awarded a Secret-level security clearance by the Department of Homeland Security (OHS).

FBI Classified Briefings.—AAPA recommends that Port Security Directors and Port Directors be included in monthly Classified briefings currently provided to local and State law enforcement agencies.

CBP STAFFING RESOURCES

Dedicated CBP staffing at our Nation's seaports is a top priority. CBP is a partner of the port and is the first step for our freight network and the first wall for the security of our community and supply chain. The dwindling resources for CBP maritime staffing is both troubling and dangerous. Our Nation's seaports handle more than 11 million maritime imported containers of all sizes and over 11 million international passengers each year. In fiscal year 2015, when CBP was funded to hire 2,000 staff, fewer than 20 officers were assigned to seaports. We cannot let this disproportionate approach to security continue.

As CSP Commissioner Todd Owen testified at the July 7 hearing and communicated to the AAPA Security Committee, CSP is well aware of these staffing shortages and has sophisticated staffing charts that would place available CSP staff at maritime facilities once resources and directives are put in place. While the 559 program has been helpful for ports to secure CSP staffing resources, it is not a long-term solution. AAPA has concerns about the approach of ports having to rent an officer if resources are not available for their region. This sets up an uneven playing field in which some ports have their needs met with Federal resources, while other ports must pay for CSP services.

Recommendations

Directive language identifying maritime CSP staffing needs as a priority should be included in the end-of-year CR or omnibus. Sending a strong message and directive would begin the process to rebuild the CSP maritime staffing shortage in the near-term.

While CSP maritime staffing is an immediate priority, long-term CSP hiring practices and retention will be an on-going issue. CSP has continued to encounter challenges in fulfilling and maintaining its staffing levels, even with the resources that Congress has provided. A dedicated hearing to examine CSP hiring practices and criteria would allow greater insight on how CSP staffing decisions are made at headquarters.

OPERATIONS AND EQUIPMENT GUIDELINES BETWEEN PORTS AND CBP

CSP and ports are partners in security and efficiency. Neither can be accomplished if the relationship is predicated on a constant state of negotiation. Increasingly, ports are reporting overly complicated and sometimes contentious negotiations with local CSP on funding operational responsibilities and equipment. CBP responsibilities for Federal mandates must be clarified and enforced on the local level if we are to maintain a high level of National security. CBP and ports rely on Radiation Portal Monitors, or RPMs, to detect dirty bombs in containerized cargo shipped into this country. RPMs are detection devices that provide CBP with a passive, non-intrusive process to screen trucks and other movements of freight for the presence of nuclear and radiological materials. Mandated in the Security and Accountability for Every (SAFE) Port Act of 2006, the 22 largest container ports by volume must have RPMs, and this has been expanded to all container ports ensuring all containers entering the United States are screened for radiation.

Almost 10 years have passed since RPMs were mandated. However, a decade into this program, questions have been raised regarding who pays for the maintenance

of the RPMs, who is responsible for paying for new portals during a port expansion and what is the long-term obligation for the next generation of RPMs? A OHS Office of the Inspector General report in 2013 titled *United States Customs and Border Protection's Radiation Portal Monitors at Seaports* states that "Initial estimates of the deployed RPMs showed an average useful life expectancy of 10 years."

What we hear repeatedly from our member ports is that the lack of clarity in funding and administering the RPM program has become a real hindrance in how we protect our ports.

We are quickly approaching the end of the first generation of RPMs' life expectancy. Ports, such as, Tampa, Miami, Jacksonville, Long Beach, NY/NJ, and Mobile have all reported complicated and sometimes contentious discussions with its regional CBP officers on the on-going responsibilities related to the RPMs.

A recent example is the Port of Jacksonville (JAXPORT) where CBP requested that JAXPORT assume financial responsibility for the RPMs technology sustainment, i.e., hardware, software, and connectivity. This is significant given the complex and critical nature of these Federally-owned and currently maintained systems. There is too much at stake for ports and CBP officers to have to engage in policy and funding negotiations. Congress and the administration must set a clear path on the RPM program.

Recommendations

RPM detection is a Federally-mandated program. CBP should request adequate Federal funding to purchase, install, and maintain all RPM equipment at ports throughout the United States, including port expansion based on rising freight volumes.

The current RPM program requires a thorough assessment. CBP funding surrounding the performance and future implementation of this technology should ultimately be increased to cover necessary costs to include manpower as well.

Rightsizing cruise facilities.—CBP is required to approve all Federal inspection facilities. Ports complain that CBP requires far more space than they actually need resulting in significant increases in costs to build facilities. Savings in building these facilities could be used for staffing purposes.

Cruises are often not a priority for CBP inspections and can be a potential target. Seasonal cruises, like those in Maine, suffer from not getting service from CBP for new smaller cruise operations. The cost of building a Federal inspection facility is far too expensive for smaller regional ports that could service cruises in certain seasons, but not year-round in regions such as the Great Lakes and Northeast cruises.

DEDICATED PORT SECURITY GRANT FUNDING

AAPA encourages increasing the Port Security Grant Program funding levels, but also insists that grant funding be directed to ports and not diluted out to other law enforcement entities with very low threats. Threats against our Nation's seaports are always emerging, and port security grants are in continual demand.

Recommendations

Funding to local law enforcement needs to illustrate a stronger connection with the port complex to ensure the funding is being used for its intended purposes. There should be a letter of endorsement from an impartial party such as the Captain of the Port to receive a port security grant.

Some ports are voting members of the Urban Area Security Initiative (UASI) regions, while many others are not. Ports should have a vote on UASI matters to help prioritize port security funding considering the role of first responders in UASI regions around ports.

If you have additional questions, please do not hesitate to contact John Young [] on the AAPA staff.

Sincerely,

KURT NAGLE,
President & CEO.

Ms. BARRAGÁN. Thank you very much.

Mr. Secretary, thank you so much for being here today to answer our questions. I watched some of your testimony yesterday before the Senate and you said something that I completely agree with. You talk about the men and women that put their lives on the line every day to protect our homeland and how we have to invest in them.

I couldn't agree with you more and wanted to—it reminded me of a trip I took this weekend with some of my colleagues, went down to Tijuana, Mexico. We went down there and who we visited were veterans that had been deported.

I know that the 2018 budget includes millions of dollars to ramp up deportations. I want to take a minute to talk about the deportations of our veterans.

Now these are soldiers who have saved lives. These are soldiers, some of whom have given their lives, soldiers who have put service and country above self and many times not even their own country. And they are there to fight and to protect us and America from our homeland. I see them very similar as the men and women who serve in DHS to protect our homeland and our safety.

Mr. Secretary, are you aware that non-citizens who sign up to serve in our armed forces are able to go to war, and they become automatic citizens if they are killed in a line of duty?

Secretary KELLY. I am aware of the program that you are referring to, sure.

Ms. BARRAGÁN. Are you aware that veterans that are deported are later brought back by the U.S. Government to the United States when they die, and they are buried here with full military honors?

Secretary KELLY. Well, it depends on the character of service, but sure. I am aware of that.

Ms. BARRAGÁN. Do you think it is right that our veterans have to come back in body bags to be able to come back to this country for which they fought for?

Secretary KELLY. Well, it is not as simple as that. I mean the people you are referring to—and, of course, I don't believe under my watch—this is only by happenstance—but under my watch, we have deported any in this category, I don't think. So the rest of them were deported previously.

But the point is it is a great program. In fact, since October 2001, over 118,000 foreigners have joined the U.S. military and been naturalized to be U.S. citizens. They still have to go through, you know, the moral and that kind of background checks.

But the point is if they do a year of honorable service, during that period they can request to go through the process of naturalization, and all things being equal, they don't have to wait such a long period of time. They will be made U.S. citizens.

If they are made a U.S. citizens, of course, then they wouldn't be deported, because they are U.S. citizens. In the cases of the individuals that have been deported, yes, they served in the U.S. military. Again, character of service counts a lot here.

But the point is they got out of the U.S. military, did not request to become citizens for whatever reason, and there are a number of reasons they might not have, and then they committed crimes and were apprehended and deported.

Ms. BARRAGÁN. OK. Well, I won't argue with—I could argue with some of that not being accurate, but I only have about a minute left. You know, one of the individuals that I saw was a gentleman named Hector Barajas, who happens to be one of my constituents, who started the Deported Veterans' Home, the support home. He just got a pardon from the Governor.

It is somebody who, I think, would be a great example of somebody that we can now look at to grant citizenship. For the 6-plus years that he put in, he got two medals of accommodations from the Army. I hope that your agency will certainly give serious consideration to his application. But you mentioned the program.

You know, in 2010, there was an agency-wide ICE memo instructing field agents to use their discretion to, quote, “whether the person or the person’s immediate relative has served in the U.S. military, Reserves or National Guard, with particular consideration given to those who served in combat.” Is ICE still using this directive to use that discretion, or is that one of those that you have wiped away?

Secretary KELLY. They still use that discretion. I was just talking to the head of ICE yesterday about this. Yes, they still use that.

Ms. BARRAGÁN. Great. Thank you very much.

Chairman MCCAUL. Mr. Bergman from Michigan is recognized.

Mr. BERGMAN. Mr. Chairman, thank you for allowing me to join this hearing today. Mr. Secretary, great to see you. Your testimony sounded like a MARFORNORTH–MARFORSOUTH update, so thank you for that.

On May 5, the President signed the Consolidated Appropriations Act of 2017 into law. The law contained a measure to provide relief to seasonal businesses in the form of nearly 70,000 additional H-2B visas. Have you given the go-ahead to begin this process?

Secretary KELLY. No.

Mr. BERGMAN. OK. Why not? When do you plan to initiate the process? What can Congress do in the short term to assist?

Secretary KELLY. Probably. Well, let me back up and say I wish Congress had not given me the 66,000 option. My sense was when I first took this job, if Congress had wanted it to be 129,000, that is what they would have passed.

When 66-, and they gave me some options on additional, I think it is another 66,000, my thinking was that, you know, we are coming down on the side of U.S. jobs and the unions and all of that, which I support.

Then I found out that no, for whatever reason, Congress decided on 66-, punted it to me, and the expectation was, by some in the U.S. Congress, cause there are many, many, many on the other side of this issue, that I would immediately authorize the 66,000.

The way I interpreted—the way the law was passed, Congress didn’t want that additional 66,000 unless I came in and made a hard case for it, which I cannot make. But that said, working with labor right now, Department of Labor, and finding out where they are, and it has got to be a collaborative effort, initially finding out where they are if, indeed, you know, U.S. jobs are being taken by individuals that come here.

You know, and it will put aside all the arguments of how this thing is violated routinely. I think for the most part, it is not, but it is violated routinely.

So labor is going to have to tell me that these jobs that this additional 66,000 or whatever, simply cannot be filled by U.S. workers, temporary workers, whether they are college kids out for the summer or people who are, you know, out of work and need a job. But

that is where we are on it right now, waiting for Labor and DHS to collaborate and come up with a recommendation.

But I really did think that if Congress wanted it, they would have simply passed the law with 129,000 or so. I would hope the next time we do this that I am not given the discretion, because it puts me in a place that I am going to be at odds with Congress, and I never want to do that.

Mr. BERGMAN. Well, No. 1, as you know, you and I are roughly been around on this earth pretty close to the same time. Maybe you are a little younger. But, you know, when we were in school, and class had to stay after, it is usually because of the actions of one or two, and everybody else had to pay for it.

Right now, in my district and other districts, that the data is there. It is historical data that the jobs that we are proposing here, there is no—these jobs are not taking—the people who would do the jobs from coming as guest workers are not taking American jobs.

I take your point and your guidance very seriously on having Congress tell you exactly what we want. You can assure that that will happen in the future, because I would like to dialog with you in the future about how we can eliminate this annual jumping through hoops for the wrong reasons. So thank you, and I yield back.

Secretary KELLY. Thanks, Congressman.

Chairman MCCAUL. Gentleman yields back.

Mr. Gallagher from Wisconsin is recognized.

Mr. GALLAGHER. Thank you, Mr. Chairman. I apologize for stepping out, but I was greeting a honor flight from my district, and we had World War II vets and Korean War and Vietnam that are being escorted by Iraq and Afghanistan vets. So it just kind of puts our task and our sure task in perspective.

I want to thank you for being so proactive in your engagement with the committee. I am honored to Chair the Task Force on Denying Terrorist Entry Into the United States, and I am really looking forward to working with you and your team as the work of that task force progresses and as we come up with a set of serious and common-sense solutions for keeping those who would seek to destroy our way of life out of this country.

But I want to return to a topic that we talked a bit about last time you were here, which is, you know, as we close off the legal ways or even the physical ways terrorists might seek to come into this country, we know these groups are going to adapt. In fact, the easiest way for them to get in is through digital borders.

The question of on-line radicalization is such a difficult problem. I would just be interested in getting your thoughts, you know, having been in the job now for some time, on where you think we are headed.

Specifically, in light of the fact that the Office of Community Partnerships, which is responsible for the Department's CVE activities—Counter Violence Extremism is presently under your review and the proposed budget offers no additional funding or CVE programs, just in light of the recent attacks in Europe and the President's own repeated rhetoric of combatting extremism, do you

believe that DHS should reconsider and recalibrate the purpose and the implementation of CVE programs across America?

Secretary KELLY. Congressman, actually that is what we are doing. In my experience, certainly, as a senior officer in the U.S. military, and then took that baggage, if you will, into this job, there are so many programs that the U.S. Government pays into that once, you know, the money is appropriated, whether it is the State Department, the Defense Department, DHS, they don't look at the program and say how is it working? You know, what are the metrics of success?

If you can't decide whether—establish whether it is working or not, you have no metrics of success, then either change the program or eliminate the program. So when I came into this job, the CVE grants, the first question is I always ask is what is the measure or metric of success here? How do we know that this program results in fewer radicalized kids? How do we know that? It was, "Well, it is a good program, sir."

I know it is a good program, in terms of what it is trying to accomplish; saving lives and keeping kids from, you know, murdering people and killing themselves. When I say "kids," you know, they are generally younger people that are doing these things. But is it working or are we just pouring, you know, good money after bad?

Mr. GALLAGHER. Sure.

Secretary KELLY. So I had my staff look long and hard at it. By the way, every conversation I have with someone from another country, or from, you know, well, from another country, I asked them about these issues. How are you getting at the problem? How do you do this? Is it possible? Saudi Arabia, Singapore, Australia, Israel yesterday, many west European countries, Canada, how do you get after this thing?

I talked to, you know, the State local law enforcement. Do you have programs? Vast majority don't. That is interesting. Why don't you? Well, we don't think we can, you know, it is not high on our priority or we don't think there are, but the point is I am not so sure we can prevent it.

So then we looked at, OK, how then if we can prevent it, who are the preventers? Of course, you would start out by parents. They see what their kids are—they listen to what their kids are saying at home.

This applies, by the way to white supremacists, neo-Nazis, as well as young radicalized, possible radicalized kids who are Islamic. So they listen. So how do we make sure they understand that they should get their son or daughter help?

How about the imams and the priests as well? I—and the priests and the ministers? Again, the white supremacists and Neo-Nazis and all of this.

When they hear their young people saying silly things, stupid things, are they comfortable? Do they know that they can call, whether it is the police or, you know, social services to get the kid help? So that is where I am looking at putting CVE money—

Mr. GALLAGHER. Can I—

Secretary KELLY [continuing]. As opposed to the kind of great program what it is trying to accomplish. But who knows?

Mr. GALLAGHER. We don't know if has.

Secretary KELLY. Sorry.

Mr. GALLAGHER. Right. Can I—no. Quickly, having just come back from Asia, you know, you talked to the Singaporeans and, you know, they are looking at the Philippines, they are looking at—

Secretary KELLY. Oh, yes.

Mr. GALLAGHER [continuing]. Indonesia, and they want to be incredibly proactive, so that it doesn't become a problem for them. I would just be interested, if you can share it. In those conversations, has a particular model emerged of a partner that is doing it well that we could draw some lessons learned from?

Secretary KELLY. I think some of them are doing it well, but we could never do it in our country, because of—

Mr. GALLAGHER. That is right.

Secretary KELLY [continuing]. Our laws. Then I am not even—I would never argue to change. But some countries, as an example, simply send officials to the mosques. They first of all tell the imams what to say. Then they go there, and if the imam doesn't say that, then they jail the imam.

We would never do that. We should never do that. A lot of them, you know, follow the internet, and if someone is on *Inspire* magazine, they go down and arrest them and put them in a, you know, a holding tank for a while and decide when they are going to release them.

So those are—and I don't think, frankly, those are working. But I am just saying that that is one end of the spectrum.

Our end of the spectrum, I believe, is working with parents, priests, you know, local religious leaders, boys, you know, whoever, so that when they see their kids saying crazy things or on the internet sites all the time—I mean when I grew up it was like, well, there was no internet, but it was like, you know, the things that parents would watch out for is drug use and all of that kind of thing. This is much more serious than that.

So I think best practices are community involvement, certainly parental involvement, law enforcement involvement. I think that is where the solution is. So that is where I am on the CVE.

Mr. GALLAGHER. All right. Thank you, Mr. Secretary. I promised him I wouldn't go over 5 minutes, and I lied.

Secretary KELLY. Well, I went over, so—

Mr. GALLAGHER. No. I would just as a plug for the task force work. I really look forward to working with you and hope we get—so I apologize, Mr. Chairman.

Chairman MCCAUL. We appreciate you working on the task force.

This should be your last 5 minutes of questioning, Mr. Secretary. Mr. Ratcliffe.

Mr. RATCLIFFE. Secretary Kelly, great to see you again. Thank you for your service. I hope you had a good first 6 months. As I told you, 6 months ago, I don't envy you, because I view the job that you have as among the most difficult and the most important in our Federal Government.

Traditionally, providing for the common defense meant securing the sovereignty and integrity of our territorial borders, but increasingly, of course, as great a threat as there is to our physical borders, we have those to our digital borders now.

I know that is a part of your charge and part of your challenge, and why I view your job as so critical. Our role here in Congress as being critical as well in making sure you have got the tools that you need to fight those challenges efficiently and effectively.

As the Chairman of the Subcommittee on Cybersecurity and Infrastructure Protection, I want to focus on my limited time on a couple of the budget-related questions, as it pertains to cybersecurity.

The budget request from the administration includes an increase for the CDM program, the Continuing Diagnostics and Mitigation program, but a decrease of almost \$35 million for the Einstein program for fiscal year 2018 to align operations and maintenance funding with the planned acquisition profile. So can you give me some sense of the reasons for the increase on the one hand and the decrease on the other?

Secretary KELLY. I will first start out by saying you say 6 months. It has been 129 days. It seems like 6 years. On the reduction, and I can get back to you with a more detailed answer. My understanding is with Einstein, as we continue to develop it, we will need more money in the future.

But in the mean time, right now, I believe it is because we can't spend that money right now. I may be wrong. But I will get back to you, Congressman.

Mr. RATCLIFFE. OK. One of the other challenges that you and I have agreed that we have identified does relate to the cyber work force. We have got it as sort-of a macro issue in this country, but also specifically within the Department of Homeland Security.

So does the fiscal year 2018 request include funding or enough funding from your perspective for new accepted service salaries and incentives to bring on the type of cybersecurity talent we need at the Department of Homeland Security?

Secretary KELLY. I think we are good right now. But as this field expands, so, obviously, the Government pays a certain amount of money, and the private sector pays most often a lot more, and so how do you keep them?

It is kind-of what the same kind of problem the services are going through, the military. There are certain people that want to serve their country. It is pure. It is from the heart. They don't worry about the money, as long as they are not going to go completely broke.

But then there are other people, and I am not criticizing, get drawn away from the military as an example, our Federal Government, and go off and to making very, very lucrative amounts of money in the private sector.

The military solves this problem oftentimes with—and it just doesn't apply to cyber warriors. It could be pilots, whatever, with paying bonuses. I don't think we are there right now. But those are the kind of things in future.

If we are going to have a viable cyber force, which we need without question, we may have to—well, we will always have to pay for it.

We may have to find innovative ways to pay for it in the future, because it is—the demand for these kind of professionals is exponentially increasing, and we are going to have to find ways to make

sure we have the best sitting in Federal jobs working with industry.

Mr. RATCLIFFE. Terrific. Thank you. One of the challenges that we face is not just at the Federal level, but at the State and local level with respect to the cybersecurity issues that are out there.

I don't know, Secretary, whether you have had a chance to take inventory of all the assets that you have and whether or not you have had a chance to go onto the National Computer Forensics Institute in Hoover, Alabama, or what that facility specifically does.

I was fortunate, a few weeks ago, we moved legislation here through the House that would authorize the NCFI into law. It is a facility that is run by the Secret Service for the purpose of training State and local law enforcement, from detectives and investigators to prosecutors to judges, in handling digital evidence so that we can prosecute cybercrime, which is, according to some reports, has become more profitable than drug trafficking.

So, I don't want to put you on the spot, and I am not asking for a commitment, but I would ask that—I do expect that that will move through the Senate as well.

To the extent that President Trump asks for your opinion with regard to that, I would appreciate if your team could get you briefed on those issues, cause I think it is vitally, critically important that we support our State and locals with respect to these cyber challenges as well and law enforcement plays a huge part of that.

Secretary KELLY. Congressman, I will do that. I should mention, and you did, the tremendous work the Secret Service does. Most people have no idea that it is part of their responsibility. They are very deep into cyber, in terms of, you know, commercial violations and crimes.

They are very, very good at what they do, and they are a part of this huge collaborative effort throughout the Federal Government in the private sector of protecting us. So, thank you for mentioning the Secret Service. They are a multifaceted organization. They are good men and women all.

Mr. RATCLIFFE. Well, thank you. Again, I thank you for your service, but also appreciate—I will tell you, Secretary, that you are already inspiring confidence with respect to how you have approached the task at hand, the very difficult, unenviable task and challenge that you have. But I do want you to know that we all appreciate the way that you have really rolled into this in the first 129 days.

With that, I yield back, Mr. Chairman.

Secretary KELLY. Thanks.

Chairman MCCAUL. The gentleman yields back.

Does the Ranking Member wish to be recognized?

Mr. THOMPSON. Thank you, Mr. Chairman.

Let me thank the Secretary also. Obviously, you have done a very good job here today. Quite expansive in sharing your width of knowledge and breadth of knowledge. I thank you for it, and I look forward to working with you going forward.

I will ask unanimous consent to submit the statement from the National Treasury Employees Union on the President's budget for the record, Mr. Chairman.

Chairman MCCAUL. Without objection, so ordered.
[The information follows:]

STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY
EMPLOYEES UNION

JUNE 7, 2017

Chairman McCaul, Ranking Member Thompson, distinguished Members of the committee, thank you for the opportunity to submit this statement on the administration's fiscal year 2018 budget submission for the Department of Homeland Security (DHS) on behalf of the 25,000 Customs and Border Protection (CBP) Officers, Agriculture Specialists and trade enforcement personnel stationed at 328 land, sea, and air ports of entry (POE) across the United States and 16 Preclearance stations currently in Ireland, the Caribbean, Canada and United Arab Emirates airports represented by the National Treasury Employees Union (NTEU).

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

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

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

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

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

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

NTEU would allow OFO to finally fund the CBP Officer staffing level stipulated in the fiscal year 2017 WSM.

CBP Technicians.—In the administration’s fiscal year 2018 budget submission, CBP proposes a decrease of \$9.9 million in OFO pay requirements to backfill CBP Officer positions with 198 CBP Technicians. NTEU supports the hiring of additional CBP Technicians as long as CBP does not seek to replace the number of current on-board CBP Officer with CBP Technicians. CBP Technicians cannot simply “back-fill” for CBP Officer, because they are not qualified as CBP Officers. With an ongoing shortage of CBP Officers, hiring new CBP Officers should be CBP’s priority. NTEU supports hiring additional CBP Technicians to give administrative support to CBP Officers, but strongly objects to CBP replacing front-line CBP Officer positions made vacant through attrition with CBP Technicians.

OFO Canine Enforcement Program (CEP).—The budget proposes a decrease of \$3.2 million to the OFO CEP. Of the 496 specialized canine teams currently deployed, 188 canine teams would be retired from locations other than the Southwest Border ports of entry. CBP Canine handlers for the 188 retired canine teams would be redirected to non-canine front line duties. The CBP Canine Program is critical to CBP’s mission. The working CBP canine teams are one of the best tools available to detect and apprehend persons attempting to enter the United States to carry out acts of terrorism. These canine teams are instrumental in detection and seizure of controlled substances and other contraband, which are often used to finance terrorist and/or criminal drug trafficking organizations. NTEU does not support retiring nearly one third of the currently on-board OFO specialized canine teams.

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

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

Delays at the U.S. ports of entry result in real losses to the U.S. economy. Under-staffed ports lead to long delays in travel and cargo lanes, hurting businesses and consumers, and also create a significant hardship for front-line employees. For every 33 additional CBP Officers hired, the United States can potentially gain over 1,000 private-sector jobs. If Congress fully staffed the ports with the needed 3,500 additional CBP Officers in fiscal year 2018, 106,000 private-sector jobs could be created. For every 1,000 CBP Officers added, the United States can increase its gross domestic product by \$2 billion.

The more than 25,000 CBP employees represented by NTEU are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs, and our economy safe from illegal trade, while ensuring that legal trade and travelers move expeditiously through our air, sea, and land ports, but front-line CBP Officers and Agriculture Specialists at our Nation’s ports of entry need relief. These men and women are deserving of more staffing and resources to perform their jobs better and more efficiently.

Thank you for the opportunity to submit this statement to the committee on behalf of the men and women represented by NTEU at the Nation’s ports of entry.

Mr. THOMPSON. Yield back.

Chairman McCAUL. That concludes our hearing. Mr. Secretary, let me just say thank you for being generous with your time. I

think you will find this committee a little more friendly sometimes than others perhaps.

But I also want to say, you know, these are dangerous times, and, you know, I feel better knowing that you are at the helm. I really appreciate your service in protecting the American people.

So with that, pursuant to committee rule VII(D), the hearing will be held open for 10 days. Without objection, the committee stands adjourned.

[Whereupon, at 1:02 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM HONORABLE DANIEL M. DONOVAN FOR SECRETARY JOHN F. KELLY

Question 1a. The President's fiscal year 2018 budget proposal not only cuts vital preparedness grants and training to first responders but also cuts funding to research and development that supports first responders in a rapidly-evolving threat environment. First responders at the State and local level are on the front lines combatting and responding terror threats. These proposed cuts would have a tremendous impact on first responders across the country, and especially on those in the city I represent.

The NYPD, FDNY, and New York City Emergency Management depend on programs, like UASI, to help them secure our city, which remains the No. 1 target of terrorists.

New York City is also home to the Department's National Urban Security Technology Laboratory, which works to ensure first responders can adapt to future threats by conducting tests, pilots, and other evaluations for first responder operations and mission requirements. Under the President's budget, this critical lab would be closed.

I have heard from a number of constituents expressing great concern for these cuts.

What is the rationale for reducing grants to first responders at a time when our threat level is at its highest since 9/11?

How will DHS ensure first responders are prepared for future threats if resources, such as the National Urban Security Technology Laboratory, are eliminated?

Answer. Reductions to State and local grants are proposed in order to ensure adequate funding for core Department of Homeland Security missions, encourage grant recipients to share responsibility for the cost of preparedness activities and fund those activities that demonstrate the greatest return on investment. Reductions are consistent with the President's budget blueprint priorities to stand prepared for emergency response and disaster recovery, eliminating funding for programs to ensure the Federal Government is not supplanting other stakeholders' responsibilities.

Preparedness is primarily a responsibility of State and local governments. Since 2002, the Federal Government has allocated over \$47 billion in grants to support State and local preparedness investments. Those funds have been put to good use to greatly expand preparedness capabilities; however we have been unable to demonstrate the results of the grant investments and how the grants have made the Nation more prepared. The Federal Government's focus is on ensuring that investments go toward closing capability gaps and addressing National priorities.

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

Question 1b. How will DHS ensure first responders are prepared for future threats if resources, such as the National Urban Security Technology Laboratory, are eliminated?

Answer. The fiscal year 2018 President's budget request will allow the Science and Technology Directorate (S&T) to focus on the highest priority needs of the administration and DHS. The budget proposes to close three laboratories, including the National Urban Security Technology Laboratory (NUSTL), to maximize limited research and development (R&D) funds and avoid maintaining facilities that would be underutilized at requested funding levels.

S&T assesses that capabilities at NUSTL may be replicated at other facilities. S&T will maintain DHS's partnership with 13 Department of Energy National laboratories that are vital to the National homeland security mission. DHS will also seek to leverage technologies developed by the Department of Defense, which is heavily invested in RAD/NUC detection and mitigation.

Question 2a. The Emergency Preparedness Subcommittee, which I chair, and the Subcommittee on Counterterrorism and Intelligence recently hosted a roundtable with law enforcement stakeholders. Among the topics discussed was the anticipated update to the National Incident Management System or “NIMS,” which allows first responders across all jurisdictions and disciplines to work together cohesively in the event of an emergency. NIMS has not been updated since 2008 and given the evolving threat landscape a draft version is currently under discussion at FEMA.

Stakeholders from the law enforcement community expressed their concern that the draft version of the update does not include the Intelligence/Investigation Functions within NIMS, even as threats continue to evolve.

When can we expect a finalized version of NIMS?

Question 2b. Will you pledge to work with me and law enforcement stakeholders to ensure their concerns are appropriately addressed in a final version of the update to NIMS?

Answer. The NIMS revision has been a collaborative, multidisciplinary effort. FEMA held a 30-day National Engagement Period for the draft of the refreshed NIMS in April/May 2016. Many stakeholders expressed concern that the proposed Incident Command System (ICS) Intelligence/Investigations content was too rigid. FEMA reduced the prescriptive guidance on intelligence/investigations content and worked with representatives from the International Association of Chiefs of Police (IACP) and the National Sheriffs Association (NSA) to ensure that revised the draft meets their needs.

The revised draft includes:

- a description of the intelligence/investigations function,
- a discussion of the various ways the Incident Commander can employ the function, and
- a reference to a more detailed, intelligence/investigations-specific guidance document that FEMA published in 2013 in coordination with law enforcement stakeholders.

FEMA provided this draft to representatives from IACP and NSA in June 2017. IACP replied that the current draft “offers law enforcement the flexibility needed.” The NSA representative wrote:

“NSA and MCSA [Major Cities Sheriffs Association] leadership has reviewed the NIMS document. They felt the document’s framework allows freedom to incorporate the I/I function into one of several sections (Planning, Operations, or Command Staff), or it allows it to be a Stand-alone General Staff Section. They feel this flexibility will allow a great deal of freedom for the Incident Commander, which we agree is very important.”

FEMA pledges to continue to work with the law enforcement community, along with the rest of the whole community to develop supplemental guidance to support the high-level guidance in the NIMS document and promote NIMS implementation across the Nation. We expect final review/approval this summer.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR SECRETARY
JOHN F. KELLY

Question 1. The President’s budget calls for an elimination of the Law Enforcement Officer (LEO) Reimbursement Program. In preparing for the elimination of Federal funding for this activity, what is TSA doing to work with airports and law enforcement agencies to ensure that law enforcement presence at airports and law enforcement support to TSA at passenger screening checkpoints are not diminished?

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

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

Question 2a. In your testimony, you note that “the threat to aviation remains high and criminals and terrorists continue to target airlines and airports.” Accepting the truth of your statement and knowing the terrorists are probing airports, how do you justify eliminating the LEO Reimbursement Program and exit lane staffing?

Given that TSA is statutorily required to protect exit lanes, how do you justify this proposal?

Question 2b. What, if any, consultation was done with the ASAC prior to deciding to eliminate these important programs?

Answer. Along with the Transportation Security Administration (TSA), airport operators and their State and local law enforcement partners play a critical role in maintaining security at airports across the country.

However, in formulating the fiscal year 2018 President's budget, the TSA focused on preserving front-line security capability in order to protect the traveling public. As part of the risk-based prioritization for resources, those areas where State and local law enforcement already operate or have the capability to step forward to support transportation security were ranked lower for Federal funding based on risk mitigation. This allowed limited resources to be applied to those areas solely under the jurisdiction of the Department.

Additionally, all airports are required to have an approved Airport Security Program (ASP), which is subject to TSA inspection for airport operator compliance. One aspect of the ASP is that each airport must ensure that law enforcement personnel are available and committed to respond to a security incident within a set period of time. The LEORP supported activities beyond this requirement.

Regarding exit lane staffing, as part of their access control responsibility, currently two-thirds of all airports are responsible for securing exit lanes from unlawful entry into the sterile area. At the remaining airports, TSA is responsible for staffing those lanes as per the requirement of the Bipartisan Budget Act of 2011. The fiscal year 2018 budget proposes to redirect 382 FTE, used to secure the exit lanes at one-third of the Nation's commercial airports, and \$27 million to passenger screening at the checkpoint. This change would help manage increasing passenger volume and put Transportation Screening Officers back at the checkpoint where their training and skills will be put to better use. The administration is submitting a legislative proposal for the consideration of Congress to realign this responsibility.

The Aviation Security Advisory Council was not formally involved in this programmatic decision.

Question 3a. In May, TSA announced a trial program at selected airports that require passengers to remove from their carry-on bags books and other paper products, tablets, and other electronic devices, and food items for separate screening. What are the specific goals of this trial program?

Do you have preliminary results?

Question 3b. If yes, what do the preliminary results of this trial indicate with regard to impacts on screening efficiency and effectiveness, passenger wait times, and TSA staffing and resources?

Question 3c. What additional actions have been taken or are being considered to address the impacts of more intensive carry-on screening on TSA staffing and resources?

Answer. The Transportation Security Administration (TSA) has initiated a pilot program, currently in effect at 10 airports, that requires the removal of electronics larger than a cell phone. Passengers are not required to remove books, paper products, or food items for security screening as part of this pilot. The purpose of the pilot is to assess measures that could increase the threat detection performance of Transportation Security Officers without requiring dedication of additional staffing resources or decreasing throughput.

TSA has conducted extensive evaluations to validate the new protocol's sustainability in a cost-neutral environment. The assessment has indicated a significant increase in detection in lanes using the pilot's procedure without indicating a degradation in throughput after initial implementation. While initial implementation of new procedures can result in a minor impact to throughput rates, the delays diminish significantly within several weeks of initial implementation as officers become acclimated with the new procedures. Throughput rates then return to previous levels without the need for additional staffing.

If approved for Nation-wide implementation, Federal Security Directors (FSDs) will have flexibility in the training and deployment of these new procedures. This will ensure the program is implemented across the enterprise in an effective and efficient manner.

Question 4. A number of TSA legacy vetting systems are being consolidated under the Technology Infrastructure Modernization (TIM) program. The budget submittal indicates that this project is proceeding ahead of schedule through additional funding that will allow parallel development of various program elements. How have concerns over growing cybersecurity risks been addressed in the development of the TIM program?

Answer. The Department of Homeland Security (DHS) has developed the Technology Infrastructure Modernization (TIM) system with cybersecurity measures included as a foundational element. The TIM system infrastructure currently resides in the DHS Data Center 1 (DC1) in Stennis, Mississippi and uses network connections to other systems through the DHS Trusted Internet Connection and DHS OneNet network. The TIM system has also implemented Personal Identity Verification card requirements for user access of the system and privileged user controls. Each release of the TIM system goes through a cybersecurity assessment before being put into production and the TIM system is fully compliant with security patches from software manufacturers and is fully compliant with all DHS Cyber mandates. The TIM system has also completed Security Control Assessment testing with the TSA Cybersecurity division within TSA's Information Assurance Division. The TIM program also works with the DHS Department of Test and Evaluation and the DHS Chief Information Officer, and has completed a cybersecurity assessment of the TIM system as a whole. Based on the findings of that assessment, the TIM system will undergo cybersecurity penetration testing conducted by DHS in 2018.

Question 5. Last summer, we saw long passenger wait times at TSA security checkpoints. To address the issue, Congress authorized DHS to reprogram funds multiple times. How does the President's fiscal year 2018 budget proposal guard against a recurrence of such a crisis?

Answer. The fiscal year 2018 President's budget focuses on maintaining the agency's front-line operations, to include Transportation Security Officer (TSO) staffing. To this end, the fiscal year 2018 budget funds an additional \$27 million and 382 TSO Full-Time Equivalents to accommodate anticipated passenger volume growth. These resources would be realigned from an initiative to cease the Transportation Security Administration's (TSA) role in exit lane screening. TSA is proposing to reallocate screeners from staffing exit lanes back to screening passengers at the checkpoint where their training and skills will be put to better use. Two-thirds of the airports already secure exit lanes as part of their own access control program. A legislative change is necessary to free screeners from the remaining one-third of airports.

Also, the fiscal year 2018 President's budget continues to support the Aviation Operations Center (AOC) at TSA Headquarters. Initiated in fiscal year 2016 in response to long passenger wait times, the AOC monitors in real time the checkpoint efficiency and wait times at numerous airports and allows TSA to respond quickly to adjust staffing and resources at the checkpoints.

Question 6. How do you justify the outsized growth projection in participation in the PreCheck program?

Answer. The TSA PreCheck Application Program is a fully fee-funded program and does not receive appropriated funding. The program has experienced significant increases in the number of applicants, particularly in the past year (e.g. 2.1 million in fiscal year 2016 versus 1.6 million total for the previous 2 years). The fiscal year 2018 projection (approximately 2 million individuals) is based on current enrollment rates and the recent growth of the program.

Question 7a. The Visible Intermodal Prevention and Response (VIPR) program works with Federal, State, and local law enforcement agencies to prevent and deter acts of terrorism against aviation and surface transportation systems. VIPR teams are mobile resources that can be deployed to aviation, air cargo, mass transit, maritime, freight rail, highway infrastructure, and pipeline venues, as well as special events such as the Super Bowl, Presidential Inauguration, and political conventions. Why does the budget propose eviscerating the VIPR workforce—reducing it from 31 to 8 teams?

Have you considered the detrimental effects of cutting both the VIPR and law enforcement reimbursement programs at the same time?

Question 7b. If the program is cut, what specific steps will TSA take to help secure surface venues?

Answer. In formulating the fiscal year 2018 President's budget, the TSA focused on preserving front-line security capability in order to protect the traveling public. As part of the risk-based prioritization for resources, those areas where State and local law enforcement already operate or have the capability to step forward to support transportation security were ranked lower for Federal funding based on risk mitigation. This approach allowed limited resources to be applied to those areas solely under the jurisdiction of the Department. In the case of the Visible Intermodal Prevention and Response (VIPR) program, over the years TSA has worked with State and local law enforcement, which have also been the recipient of DHS preparedness grants, to develop capacity and relationships. Today, State and local law enforcement partners are better equipped than they have ever been before to meet emergent threats.

With the resources available for the VIPR Program, TSA will apply our risk-based VIPR Concept of Operations to deploy teams to higher-risk locations in all modes of transportation, focusing on those high-profile events where additional support of State and local partners is necessary.

Question 8a. Over the past 5 years, how many attacks have been perpetrated by individuals who illegally crossed the U.S.-Mexico land border?

Answer. U.S. Customs and Border Protection (CBP) does not maintain records of attacks perpetrated by individuals who illegally crossed the U.S.-Mexico land border. However, from fiscal year 2012 to fiscal year 2016, there have been 2,152 assaults on Border Patrol agents along the Southwest Border.

Question 8b. Over the same time period, how many attacks have occurred in public airport areas or at other transportation venues?

Answer. Since 2013, there have been five instances that constitute as indiscriminate attacks against transportation entities in the continental United States, excluding domestic incidents (spousal abuse) and any other incidents where an attacker or shooter had a defined target (i.e. attacks against co-workers). Of the five instances, four were considered active-shooter situations. Two of those situations taking place in airports and two taking place at UPS facilities. The fifth instance occurred at an airport in which an individual was shot after attacking TSA employees.

- 11/01/2013—Active Shooter at Los Angeles (LAX)
- 09/24/2014—Active Shooter at UPS Customer Care Center in Birmingham, AL
- 03/20/2015—Individual Shot After Assaulting TSA Employees at New Orleans (MSY)
- 01/06/2017—Active Shooter at Fort Lauderdale (FLL)
- 06/14/2017—Active Shooter Situation at a United Parcel Service Sorting Facility in San Francisco, CA

Question 8c. Given those statistics, does it make sense to cut the VIPR and law enforcement reimbursement programs to build an expensive border wall?

Answer. The Department of Homeland Security (DHS) recognizes the value of these programs and many others that work collaboratively with State and local law enforcement agencies to protect the safety and security of the traveling public. DHS is also obligated to holistically review programs and activities that were enhancements to homeland security and weigh the contributions of each program towards its mission of securing the homeland. DHS considers many variables when holistically reviewing programs to ensure they take into account the President's vision and National budgetary priorities to ensure the overall security of the Nation.

Question 9. Many recent airport attacks have occurred in public airport areas, including attacks in Fort Lauderdale, Los Angeles, Brussels, and Istanbul.

Given the growing frequency of attacks in public areas, why are you proposing cutting local law enforcement and VIPR team funding?

How does DHS expect its partners to address this increased threat with fewer resources?

Answer. The Department of Homeland Security (DHS) recognizes the value of these programs and many others that work collaboratively with State and local law enforcement agencies to protect the safety and security of the traveling public. DHS is also obligated to review programs and activities that were an enhancement to homeland security and weigh the contributions of each program towards its mission of securing the homeland. DHS considers many variables when holistically reviewing programs to ensure the President's vision and National budgetary priorities to secure the Nation are met.

Along with the TSA, airport operators and their State and local law enforcement partners play a critical role in maintaining security at airports and other transportation sectors across the country. The Department understands that programs like the Law Enforcement Officer Reimbursement Program (LEORP) and Visible Intermodal Prevention and Response (VIPR) help to support security by encouraging State, local, and Federal partnerships and promoting cooperation, collaboration, and solidarity towards these efforts. Over the years TSA has worked with State and local law enforcement, which have also been the recipient of DHS preparedness grants, to develop capacity and relationships. Today, State and local law enforcement partners are better equipped than they have ever been before to meet emergent threats. Additionally, through the TSA co-sponsored Public Area Security Summit forums, State and local law enforcement, as well as other industry associations, remain key participants and contributors to developing solutions that mitigate the threat to soft targets. In May 2017, the Public Area Security group published a National framework with 11 recommendations designed to enhance security in public spaces throughout the transportation system.

Question 10. The sudden and chaotic implementation of President Trump's first Travel Ban Executive Order created mass confusion in U.S. airports, most especially within the ranks of the DHS workforce. In the event that the Department issues a wider laptop and electronics ban, as you are currently considering, what steps can you take to avoid wide-scale implementation challenges?

Answer. The Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) remain concerned about attempts by terrorist groups to circumvent aviation security and the threat of terrorist groups continuing to target aviation interests. DHS and TSA, in close cooperation with our intelligence community and law enforcement partners, continuously assess and evaluate the threat environment.

On June 28, the Department determined it was necessary to implement enhanced security measures for all commercial flights to the United States.

The enhanced security measures include but are not limited to:

- Enhancing overall passenger screening;
- Conducting heightened screening of personal electronic devices;
- Increasing security protocols around aircraft and in passenger areas; and
- Deploying advanced technology, expanding canine screening, and establishing additional preclearance locations.

Over the course of the next several weeks and months, DHS/TSA will work with aviation stakeholders to ensure these enhanced security measures are fully implemented.

These enhanced security measures will help to secure all commercial flights departing from 280 airports that serve as the last points of departure to the United States.

DHS will continue to adjust its security measures to ensure the highest levels of aviation security without unnecessary disruption to travelers.

Question 11a. Mr. Secretary, the President's proposed budget recommends slashing preparedness grants by about \$700 million. These drastic funding cuts, along with the rhetoric in the budget documents justifying them, make it seem as if this administration believes that State and local governments should shoulder the bulk of the burden for National preparedness and that the administration will seek to further reduce Federal support for first responders in the future.

Do you believe that National preparedness is primarily a State and local responsibility?

Answer. Yes, preparedness is primarily a State and local responsibility. As a team, State, local, territorial, Tribal, and Federal partners are responsible for the coordination of preparedness and protection-related activities throughout the Nation, to include planning, training, exercises, encouraging individual and community preparedness, and completing assessments and incorporating lessons learned into practice.

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

Since 2002, the Federal Government has allocated over \$47 billion in grants to support State and local preparedness investments. Those funds have been put to good use to greatly expand preparedness capabilities; however we have been unable to demonstrate the results of the grant investments and how the grants have made the Nation more prepared. The Federal Government should now focus on ensuring that investments go toward closing capability gaps and addressing National priorities and continue to provide technical assistance, tools and knowledge to prepare for, protect against, respond to, recover from, and mitigate terrorism and other hazardous events.

Question 12b. Can we expect to see further preparedness grant reductions in the future?

Answer. Any further reductions to preparedness grants would be identified in future years' budgets.

Question 13a. President Trump has tweeted that the Federal Government is currently "extreme vetting" people coming to the United States.

What, specifically, is the definition of "extreme vetting"?

What processes or procedures comprise "extreme vetting"?

How specifically does the "extreme vetting" the President asserts is on-going differ from the vetting prior to the Trump administration?

What metrics is the Department using to assess the effectiveness of "extreme vetting"?

Answer. The American people deserve and expect an immigration system that serves the National interest—one that has as its paramount priority their safety, security, and well-being. That is why the administration has been undertaking concerted efforts to raise the baseline of immigrant and traveler screening across the board, including through better applicant investigations, interviews, information sharing, identity validation, and more.

For example, the United States has not previously established direct requirements for international cooperation in support of visa and immigration screening and vetting. This poses a significant vulnerability, as the level of cooperation of foreign governments affects the overall screening and vetting process. Lack of cooperation of a foreign government creates a significant gap in the U.S. Government's (USG) ability to vet nationals of those countries who seek admission to, or other immigration benefits in, the United States.

Executive Order 13780 (Executive Order), Protecting the Nation from Foreign Terrorist Entry into the United States establishes, for the first time, direct requirements for international cooperation for vetting and screening from governments and directs the Secretary to identify additional information about foreign nationals seeking entry into the country that must be shared by their home countries to ensure these foreign nationals do not pose a threat to National security or public safety. The screening/vetting status quo is no longer adequate to counter terrorism and transnational criminal threats to the United States. It is necessary to enhance the screening and vetting of foreign nationals seeking to enter the United States.

Per the Executive Order, the USG is establishing a new standard for information sharing to support immigration vetting and screening. In developing the standard, DHS looked closely at comprehensive security partnerships, such as the Visa Waiver Program, and at international trends, such as adoption of ePassports to prevent fraud and counterfeiting. The new standard defines the information flow necessary to verify identity and detect terrorism and criminal ties that would make an individual inadmissible under U.S. law. In addition, the DHS will require that travelers to this country and those seeking immigration benefits provide and validate additional identity information to assist with enhanced vetting and screening.

QUESTIONS FROM HONORABLE JAMES R. LANGEVIN FOR SECRETARY JOHN F. KELLY

Question 1a. Secretary Kelly, in testimony before the House Appropriations Committee, you said, in reference to the WannaCry attacks, "We defended the country from the biggest cyber onslaught in history . . ." Can you characterize the defensive activities undertaken by the Department?

Could you characterize the Department as being integral to the small initial impact of WannaCry in the United States?

Is it possible that other aspects of U.S. networks or of the attackers' targeting was the reason so few U.S. computers were affected?

Answer. On May 12, the National Protection and Programs Directorate (NPPD) National Cybersecurity and Communications Integration Center (NCCIC) initiated coordination of incident response activities in order to protect networks from a global ransomware incident impacting as many as tens of thousands of victims across 150 countries, including the United States, United Kingdom, Spain, Russia, Taiwan, France, and Japan. DHS has been leading coordination of Federal Government incident response efforts; working with partners in industry, other Federal agencies, State and local governments, and international partners.

NPPD, along with DHS's U.S. Secret Service, U.S. Immigration and Customs Enforcement's Homeland Security Investigations, and other Federal partners, have been raising awareness, including outreach to Federal agencies, about ransomware threats prior to 2017. These awareness efforts have included information on prevention and mitigation measures, which are key to limiting the risk posed by ransomware. For instance, DHS, in collaboration with the Canadian Cyber Incident Response Centre, released a technical alert on ransomware and recent variants in early 2016. See: <https://www.us-cert.gov/ncas/alerts/TA16-091A>.

Ransomware is a type of malicious software that infects a computer and restricts users' access until a ransom is paid. The recent global ransomware incident known as WannaCry exploits vulnerabilities in the Windows SMBv1 server to remotely compromise systems, encrypt files, and spread to other hosts. WannaCry was discovered the morning of May 12, 2017, by an independent security researcher and had spread rapidly over several hours. Prior to May 12, however, Microsoft had published on March 14, 2017, Security Bulletin MS17-010-Critical, which includes information on a security update for Microsoft Windows SMB Server. DHS, through the NCCIC's National Cyber Awareness System, further enhanced awareness by publishing an alert on March 16, 2017, regarding this specific vulnerability (<https://>

www.us-cert.gov/ncas/current-activity/2017/03/16/Microsoft-SMBv1-Vulnerability). Systems that had the MS17-010 patch installed were not vulnerable to the exploits utilized by WannaCry.

In addition to raising awareness by sharing alerts, best practices, and technical data, DHS's NCCIC operates several capabilities that assist with the protection of Federal networks, including from vulnerabilities exploited by WannaCry. For instance, the NCCIC offers a Cyber Hygiene service to Federal and non-Federal entities, which scans their internet-accessible systems for known vulnerabilities. The findings from this frequent, automated scan are delivered weekly to each Cyber Hygiene participant in a report that details the vulnerabilities detected and provides recommended mitigations. In fiscal year 2015, the Secretary issued binding operational directive (BOD) 15-01, *Critical Vulnerability Mitigation Requirement for Federal Civilian Executive Branch Departments and Agencies' Internet-Accessible Systems*. BOD 15-01 requires Federal agencies to mitigate critical vulnerabilities discovered through the NCCIC's Cyber Hygiene scanning of the agencies' internet-accessible systems within 30 days of notification by the NCCIC to the agencies of the vulnerabilities. In the case of critical vulnerabilities exploited by WannaCry, Cyber Hygiene scanning has, to date, detected no instances on the Internet-accessible systems of Federal agencies. Had any such vulnerabilities been found, BOD 15-01 would have required agencies to patch such vulnerabilities well before the WannaCry incident began in May. On the afternoon of May 12th, as WannaCry wormed across the internet, the Cyber Hygiene team telephoned the private-sector organizations that were observed through their voluntary participation in Cyber Hygiene scanning to be vulnerable and recommended they take action.

NPPD also provides Federal agencies with capabilities and tools through the Continuous Diagnostics and Mitigation (CDM) program. Through the first phase of CDM, tools were deployed to 3.6 million Federal agency endpoints as of May 2017, enabling agencies to continuously monitor what is on their network via hardware and software asset management, configuration management, and vulnerability management. These tools played a key role in assisting agencies by automating the identification, detection, remediation, and reporting of the vulnerability used by WannaCry. By providing an enterprise view of vulnerability exposure, agencies are able to quickly understand their risk exposure and patch unprotected systems. CDM tools helped agencies with patching which prevented the vulnerable executable from running, removing the ability for infection to take hold or traverse to other networked systems.

By conducting malware analysis on multiple samples of the ransomware and sharing cyber threat data with key partners, NCCIC developed cyber threat signatures for deployment in the Federal intrusion detection and prevention system, known as EINSTEIN, which helps to protect Federal networks. These signatures were also shared with Federal cyber centers and critical infrastructure stakeholders for their own network defense.

In addition to prior ransomware and related vulnerability alerts, the NCCIC issued additional alerts and held coordination calls to reiterate the importance of installing specific patches upon learning of the global ransomware incident. The Federal Bureau of Investigation (FBI) and NCCIC analyzed multiple indicators and released a Technical Alert as well as a fact sheet related to the WannaCry ransomware, which can be found on the US-CERT website at www.us-cert.gov.

Finally, NPPD has asked Federal agencies to report on their number of in-scope and patched systems. While the vast majority of Federal information systems had been patched, NPPD worked with agencies to better understand risk management decisions and mitigation actions when a patch could not be installed.

In addition to information sharing prior to the WannaCry ransomware incident, DHS implemented enhanced coordination procedures after learning of the incident in order to coordinate incident response actions across the Federal Government. Through a coordinated Federal effort, NPPD worked with private-sector critical infrastructure owners and operators to assess exposure to the vulnerability exploited by WannaCry ransomware and to share information, including technical data. If requested, NCCIC was also able to provide technical assistance. Relevant private-sector outreach included Sector-Specific Agencies for the purposes of engaging their sectors, the information technology sector, the health sector, and small businesses, among others.

Question 2. I worked on the Cybersecurity Act of 2015 since information sharing was a nascent legislative idea nearly a decade ago. We have heard testimony in this committee about some of the challenges implementing CISA, particularly with respect to Automated Indicator Sharing. I think both industry and the Department can make improvements in this space. Can you describe the steps the Department

will take in fiscal year 2018 to implement the Cybersecurity Act and how you will measure its success?

Answer. The Cybersecurity Act of 2015 incentivized information sharing by providing liability protections for entities, thus removing key legal impediments to information sharing. To further increase participation, the Department of Homeland Security (DHS) has established a prioritized list of private-sector entities to be engaged for participation in the AIS capability. DHS is prioritizing engagement with Information Sharing and Analysis Centers, entities where a cyber attack could cause the greatest consequences, and cybersecurity service providers. By working with these entities, DHS is better able to assist them with overcoming technical, resource, and cultural impediments to participating in AIS. DHS also believes that as the data volume and quality in AIS increases, companies not actively participating in or sharing through AIS will be incentivized to join.

The Department is constantly looking at ways to improve the quantity and quality of information shared via AIS. Among other efforts, we seek initial feedback from each entity connected to the AIS capability 90 days after establishing a connection to better understand how entities are using the capability (are they sharing further to a customer base or implementing internally in a novel manner?), quality of information shared, obstacles to finalizing the AIS connection, costs associated with establishing the connection, how individual entities recommend measuring the value of cyber threat indicators and defensive measures, and recommended changes to the data fields. Through these feedback engagements with connected entities, the Department has received positive feedback on the high quality and number of low-false positives found in the AIS data as compared to several commercial feeds. In addition, a recent threat feed study found that indicators often show up in the AIS feed several months ahead of some commercial feeds. Finally, through these feedback sessions, DHS also learned from one organization that the AIS indicators were useful for them in hunting for an advanced persistent threat actor that had been targeting their company.

Question 3. I strongly believe in the role of the Federal Government in funding research and development, and I believe there are significant gaps in our understanding of cybersecurity—technical, economic, and behavioral. Why is the Department cutting tens of millions of dollars in cybersecurity research across S&T and NPPD?

Answer. To develop the budget request for fiscal year 2018, S&T prioritized resources against the President's priorities, the Secretary's direction, and capability needs for operational components. As you know, S&T is the primary scientific advisor to me and also performs extensive R&D across all of the Department's mission set. S&T's R&D work in fiscal year 2018 will continue to be in close alignment with the urgent needs of the Department and the Homeland Security Enterprise as a whole.

Ensuring our Federal Government's networks and cyber infrastructure are secure continues to be an important mission of DHS. Research and development to enhance the Department's security posture in this mission area will continue in fiscal year 2018. S&T has excellent relationships with operational components, including NPPD, other Federal agencies, industry and State and local government that we will continue to develop and leverage going forward.

S&T's request for Cyber Security/Information Analysis research and development is \$42 million in fiscal year 2018. Important work planned for fiscal year 2018 includes projects to improve network security across the ".gov" domain, cybersecurity of mobile systems, cyber physical systems security, support for law enforcement forensics, and collaborative research with key critical infrastructure sectors.

R&D efforts are critical to maintaining threat awareness, delivering mitigation strategies, and creating novel technologies and approaches for components.

Question 4. Congressman Ratcliffe and I have worked closely together on efforts to improve our cybersecurity cooperation with Israel. Mr. Ratcliffe's United States-Israel Advanced Research Partnership Act was signed into law by President Obama last year and my United States-Israel Cybersecurity Cooperation Enhancement Act, which would provide support for joint R&D projects focused on National security, passed the House in January. Do you believe the Department will benefit from increased cooperation on cybersecurity with our allies, particularly Israel?

Answer. The Department benefits from on-going cooperation with our international partners, including Israel. Continued cooperation on cybersecurity with Israel will provide mutual benefits for the both countries. Specifically as it relates to cybersecurity cooperation for joint research and development projects, on May 29, 2008, DHS signed an Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters ("the S&T Agreement"). Together with

the Ministry of Public Security, S&T works with a variety of Government stakeholders to maintain awareness of evolving trends, threats, and opportunities for collaboration in border security, cybersecurity research and development (R&D), explosives detection, and first responder technologies.

S&T and the Israel National Cyber Bureau (INCB) maintain a robust, collaborative partnership for cybersecurity R&D under a 2012 Project Arrangement (PA), which was entered into pursuant to the S&T Agreement to specifically enhance joint cybersecurity R&D cooperation. In 2014–2015, the first two Technical Annexes (TAs), under the cybersecurity collaboration PA, were signed to provide Israeli researchers access to a unique S&T Cyber Security Division (CSD)-funded repository of cybersecurity-relevant data and support cyber testbed collaboration. In 2016, S&T–INCB signed two additional funding TAs via the CSD Broad Agency Announcement: The INCB provided \$350k to S&T/CSD to co-fund research on data privacy for federated searches and cyber physical systems for medical device security. This marked a milestone in the partnership, as it was the first time the Government of Israel provided funding to a DHS initiative managed by DHS S&T.

Moving forward, S&T CSD and the INCB remain committed to actively support and attend each other's annual cyber conferences (in 2017, CyberTech/Cyber Week in Israel and the Annual CSD Cyber Security Research and Development Showcase and Technical Workshop in Washington) and will continue to engage in fiscal year 2017 and fiscal year 2018 via CSD's 5-Year International Engagement Broad Agency Announcement, subject to availability of annual appropriations.

Along with the S&T and the INCB relationship, DHS's National Protection and Programs Directorate (NPPD) has a robust relationship with the Israeli National Cyber Security Authority (NCSA). In 2016, a joint Letter of Intent (LoI) was signed by DHS and the National Cyber Directorate (NCD) that sought to enhance information sharing and to continue to build upon existing cooperation between NPPD and the NCSA. In keeping with the foundations of the original agreement in 2008 and with the LoI in 2016, a cybersecurity action plan was implemented which included the following objectives: (1) Enhance exchange of cyber threat information and products; (2) Share knowledge regarding operational concepts and best practices; (3) Share knowledge regarding technology platforms and development; (4) Increase mutual understanding of respective approaches to the cybersecurity of critical infrastructure; (5) Conduct joint exercises to test operational coordination; (6) Pursue opportunities for increased joint cooperation with international partners.

In the advancement of this bilateral relationship and along with regular indicator sharing with US–CERT, Israel has officially connected to the Automated Indicator Sharing (AIS) system and has joined the National Cybersecurity & Communication Integration Center's (NCCIC) Homeland Security Information Network (HSIN).

Moving forward, in early September, Dr. Matania, the head of both the NCD and the INCB will come to the United States to hold a meeting with A/S Manfra and an Israeli delegation from the NCSA will perform an analyst exchange on the topic of incident response with the Office of Cybersecurity and Communications' (CS&C) Hunt and Incident Response Team (HIRT). CS&C has also invited the NCSA to participate in CS&C's national CyberStorm VI exercise in April 2018. Israel will be the first non-Five Eye or non-International Watch and Warning Network partner to join this exercise.

Question 5. By announcing our intent to withdrawal from the Paris Agreement, the United States has ceded international leadership to other countries like China while increasing the likelihood that accessibility to Arctic waters will continue to rise. Yet, this budget provides limited funding for ice-breaking capability within the Coast Guard to adequately protect our economic and National security interests. We currently only have a single operational icebreaker. In contrast, Russia has 40 ships and is investing in a nuclear powered ship that provides increased range and speed compared to our diesel ships. The budget proposed by the Trump administration steps away from the acceleration requested by the Obama administration. Given the significance of the United States' economic and military interests in the region, why is DHS reducing the budget for these critical assets?

Answer. The Coast Guard is committed to recapitalizing the Nation's heavy icebreaker fleet and the fiscal year 2018 funding request maintains the current acceleration time line for the Coast Guard and Navy Integrated Program Office (IPO) to deliver a lead ship by 2023.

QUESTIONS FROM HONORABLE WILLIAM R. KEATING FOR SECRETARY JOHN F. KELLY

Question 1. The NFIP's Community Rating System offers individual municipalities the opportunity to achieve discounts on flood insurance premiums for their home owners by investing in flood mitigation. However, the costs of managing a

mitigation program, including merely hiring an employee to oversee compliance efforts, are often too great for a single community to manage. Would you support agency efforts to encourage neighboring municipalities to form regional partnerships in order to ease this burden?

Answer. The NFIP's Community Rating System (CRS) has attracted participation from communities that vary considerably in size. Many of the well-known CRS participating communities are large with tens of thousands of flood insurance policies in effect with several having over 100,000 policies in effect. Based upon CRS community participation data analyzed in 2013—which is the last year the analysis was completed—of the 1,273 communities participating in CRS at that time, 94 communities had 100 or less flood insurance policies in effect. Fifty-one communities had only 50 or less flood insurance policies in effect. Although the number of CRS participating communities has increased by 171 since 2013 to the current number of 1,444 participating communities, the distribution of community size has continued to be broad with more communities that might be considered small having recently joined. We are not aware of smaller communities that hire additional staff dedicated to manage CRS programs. Typically, CRS coordination duties in the smaller communities will be one of several areas of responsibility a community CRS Coordinator may perform. The CRS program encourages neighboring jurisdictions to have partnerships in support of their CRS programs. This is particularly applicable for implementing certain CRS activities such as public information programs, floodplain management planning, and flood warning. There has been growth in these multi-jurisdictional endeavors. Barnstable County, Massachusetts has one of the most well-known regional partnerships, as the county has hired a single individual to assist incorporating jurisdictions in the county with CRS participation. It is true that when communities newly join the CRS it requires a surge of time and effort to understand what is required, to become familiar with what is expected, and set up a record-keeping system. However, community CRS Coordinators routinely report that once they become organized and understand the year-to-year workflow of their program, managing their CRS requires less time. FEMA continues to promote the benefit of regional partnerships and would welcome any efforts to encourage such endeavors that will lead toward greater resiliency and flood damage reduction.

Question 2. As the Department continues to study consolidation and coordination of components to bring about the most efficient use of resources and greatest cost savings, it is my understanding that Joint Base Cape Cod was considered as an ideal site for several relocation and consolidation opportunities across the Northeast region. Going forward, what proposals does the Department have or is considering implementing that would include Joint Base Cape Cod in its efficiency plans?

Answer. The Coast Guard is aware of DHS's Regional Field Efficiencies initiative to seek opportunities to consolidate and reduce costs related to real property and mission support services. The Office of the Chief Readiness Support Officer of DHS recently concluded a review of DHS-occupied space in its top ten cities, which included Boston, MA and the surrounding region. The Department is looking for opportunities to share firing range and training facilities in various locations, which could include Cape Cod. The Coast Guard is not currently aware of any specific proposals being considered for implementation for Joint Base Cape Cod.

Question 3a. When will the Secretary release his decision as to whether additional visas will be issued?

What analysis remains to be completed before the Secretary makes the final decision?

Question 3b. Justify the amount of time already taken and what analysis has been conducted during that time.

Answer. On July 19, 2017, the Department of Homeland Security (DHS) and the Department of Labor (DOL) issued a rule announcing that, under section 543 of Div. F of the Consolidated Appropriations Act, 2017, Public Law 115-31 (Fiscal Year 2017 Omnibus) the Secretary of Homeland Security, after consulting with the Secretary of Labor, was increasing the numerical limitation on H-2B nonimmigrant visas for fiscal year 2017 only, by up to an additional 15,000 H-2B visas through the end of fiscal year 2017.

DHS determined that it is appropriate to tailor the availability of this temporary cap increase to those businesses likely to suffer irreparable harm, i.e., those facing permanent and severe financial loss without the ability to employ the H-2B in the remainder of fiscal year 2017.

DHS acted as expeditiously as possible in increasing H-2B visas to address this concern. Specifically, it was not until May 2017 that Congress delegated its authority to DHS to increase the number of temporary nonagricultural work visas available to U.S. employers through September 30, 2017. DHS took the intervening time to consult with the Department of Labor on the issue, as was required under the

statute, and to properly develop this rule in accordance with Congressional requirements.

Question 4. Explain the Department's interpretation of Section 543 of the omnibus spending bill that grants the Secretary the authority to issue additional visas in fiscal year 2017 beyond the 66,000 statutory cap.

Answer. On May 5, 2017, the President signed the Consolidated Appropriations Act, 2017, Public Law 115-31 (Fiscal Year 2017 Omnibus), which contains a provision (section 543 of division F, hereinafter "section 543") permitting the Secretary of Homeland Security, under certain circumstances, to increase the number of H-2B visas available to U.S. employers, notwithstanding the otherwise-established statutory numerical limitation. Specifically, section 543 provides that "the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in [FY] 2017 with U.S. workers who are willing, qualified, and able to perform temporary nonagricultural labor," may increase the total number of aliens who may receive an H-2B visa in fiscal year 2017 by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from the H-2B numerical limitation.

In consultation with the Department of Labor, DHS decided to increase the numerical limitation on H-2B nonimmigrant visas to authorize the issuance of up to 15,000 through the end of fiscal year 2017. This is a one-time increase based on a time-limited statutory authority; it does not affect the H-2B program in future fiscal years.

Question 5a. Explain the evidence that the Department of Homeland Security is considering which supports the theory that American businesses do not require additional workers this summer.

Specifically, what evidence is the Department considering with respect to Massachusetts' Ninth District including Cape Cod and the Islands?

Question 5b. Specifically, what evidence is the Department considering with respect to Maine's First District?

Answer. On July 19, 2017, the Departments of Homeland Security and Labor published a final rule increasing the numerical limitation on H-2B nonimmigrant visas by up to 15,000 through the end of fiscal year 2017. This is a one-time increase based on a time-limited statutory authority; it does not affect the H-2B program in future fiscal years. These visas are available only to American businesses which attest that they will likely suffer irreparable harm without the ability to employ all the H-2B workers requested in their petition. DHS's decision to increase the H-2B cap was not made lightly, and was carefully weighed considering the needs of American businesses against other factors, including whether American workers will be harmed by any increase. DHS took into consideration the needs of businesses across the Nation, including those in Massachusetts and other States, in making this determination to increase H-2B visa availability for the remainder of fiscal year 2017.

Question 6. The Department of Labor is responsible for ensuring that businesses recruit American workers for these jobs before they are permitted to recruit foreign workers and has already issued more than 66,000 labor certificates which certify that no U.S. worker is available to fill the position sought by the employer. In light of this, explain what information the Department is using, independently of the Department of Labor's process, to assess whether American workers are in fact available.

Answer. Under Department of Homeland Security (DHS) regulations, an H-2B petition for temporary employment must be accompanied by an approved temporary labor certification (TLC) from the Department of Labor (DOL), which serves as DOL's certification to DHS regarding whether a qualified U.S. worker is available to fill the petitioning H-2B employer's job opportunity and whether a foreign worker's employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers. See, e.g., 8 CFR 214.2(h)(6)(iii)(A) and (D). Under the rule issued on July 19, in order to obtain authorization to bring in H-2B workers as part of this one-time increase, employers must have an approved TLC. In addition, employers must conduct a fresh round of recruitment for U.S. workers if the TLC contains a start date of work before June 1, 2017, in order to ensure that U.S. workers have sufficient access to these job opportunities.

USCIS adjudicators currently consider the petition filed with USCIS, the accompanying approved TLC, and other supporting evidence to determine whether petitioners meet the requirements of the H-2B program, 8 U.S.C. 1101(a)(15)(H)(ii)(b), INA section 101(a)(15)(H)(ii)(b). USCIS may issue a Request for Evidence or take other adjudicatory action, including denying the petition if it determines that, notwithstanding DOL's approval of the TLC, the requirements of section 101(a)(15)(H)(ii)(b) of the INA and applicable regulatory requirements have not been

satisfied. To ensure the integrity of the H-2B program in general, including ensuring against abuse of the one-time fiscal year 2017 H-2B visa increase, DHS has established a hotline at the following email address: ReportH2BAbuse@uscis.dhs.gov. This address is available to all members of the public, and DHS will consider carefully all complaints and other public input to determine whether any further action, including the institution of any fraud or other investigations, may be required to ensure the integrity of the H-2B program.

Question 7a. The overwhelming majority of business owners in Massachusetts' Ninth District utilize the same cohort of workers year after year. These returning workers have shown that they are not overstaying their visas, are providing the labor that they are hired for each year, and they return to the same positions each year providing evidence of a positive working relationship with these employers.

Has any consideration been given to providing expedited consideration for returning workers?

Question 7b. If so, what avenues are the Department exploring for giving priority to returning workers when issuing any additional visas?

Answer. During fiscal years 2005 to 2007, and 2016, Congress enacted "returning worker" exemptions to the H-2B visa cap, allowing workers who were counted against the H-2B cap in 1 of the 3 preceding fiscal years not to be counted against the upcoming fiscal year cap. Save Our Small and Seasonal Businesses Act of 2005, Sec. 402, Public Law 109-13 (May 11, 2005); John Warner Nat'l Defense Auth. Act, Sec. 1074, Public Law 109-364 (Oct. 17, 2006); Consolidated Appropriations Act of 2016, Public Law 114-113, Sec. 565 (Dec. 18, 2015). During the years that Congress authorized the returning worker exemption from the H-2B cap, U.S. Citizenship and Immigration Services (USCIS) clearly notified petitioners of eligibility and filing requirements, including how to apply for premium processing. However, Congress did not renew the provision for fiscal year 2017.

Further, note that section 543 of Div. F of the Consolidated Appropriations Act, 2017, Public Law 115-31 (Fiscal Year 2017 Omnibus) provides that "the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in [fiscal year] 2017 with U.S. workers who are willing, qualified, and able to perform temporary nonagricultural labor," may increase the total number of aliens who may receive an H-2B visa in fiscal year 2017 by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from the H-2B numerical limitation.

The statutory language requires DHS to determine the needs of American businesses. Therefore, in consultation with the Department of Labor, DHS considered the needs of American businesses and is providing an increase for businesses that can establish that they are likely to fail without the ability to employ additional H-2B workers in fiscal year 2017.

Question 8. The timing constraints created by the H-2B program are particularly devastating for areas with limited summer seasons, including my home district in Massachusetts. Small business owners across Maine are also struggling to fill the many positions required to open and maintain their seasonal operations. Maine has a significantly shorter summer season, in many cases causing small business owners to apply later than those in other areas of the country. How does the Department intend to work with the Department of Labor in order to ensure that these areas with shorter seasons are able to access H-2B visa employees this year and going forward?

Answer. The H-2B visa classification program was designed to serve American businesses that are unable to find a sufficient number of qualified American workers to perform nonagricultural work of a temporary or seasonal nature. To help businesses that hire later in the year, the H-2B cap of 66,000 workers per fiscal year is statutorily divided into two allocations, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1–March 31) and 33,000 for workers who begin employment in the second half of the fiscal year (April 1–September 30). Under Section 214(g)(3) of the Immigration and Nationality Act, USCIS is required to accept H-2B petitions for cap purposes in the order that they are filed.

In exercising the discretion under section 543 of the fiscal year 2017 omnibus, DHS consulted with the Department of Labor and determined that the needs of some American businesses cannot be satisfied in fiscal year 2017 with U.S. workers who are willing, qualified, and able to perform temporary nonagricultural labor. DHS determined that it was appropriate under section 543 of Div. F of the 2017 Omnibus to raise the numerical limitation on H-2B nonimmigrant visas by up to an additional 15,000 for the remainder of the fiscal year for American businesses

that can establish that their businesses are likely to fail without the ability to employ additional H-2B workers in fiscal year 2017.

In doing so, DHS took into consideration the needs of all U.S. businesses throughout the United States, including those in Maine and Massachusetts. DHS decided that the regulation's focus on the urgent needs of individual businesses is the fairest way to allocate these additional H-2B visas.

