



The Honorable Jeh C. Johnson

Secretary

U.S. Department of Homeland Security

Testimony

Before the

Committee on the Judiciary

U.S. House of Representatives

May 29, 2014

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Chairman Goodlatte, Ranking Member Conyers, and Members of this Committee, thank you for the opportunity to testify today.

The cornerstone of our mission at the Department of Homeland Security has been, and should continue to be, counterterrorism – that is, protecting the nation against terrorist attacks. As a New Yorker who was present in Manhattan on 9/11, it is what most motivates my public service. We must remain vigilant in detecting and preventing future terrorist threats that may seek to penetrate the homeland from the land, sea or air.

While many of the leaders of core al-Qaeda (as we knew it after 9/11) are dead or captured, the terrorist threat has evolved, and still persists. Since about 2009, we have seen the rise of al-Qaeda affiliates, such as al-Qaeda in the Arabian Peninsula. AQAP, in particular, has made repeated efforts to export terrorism to our homeland, and it remains active.

We also face threats from those who self-radicalize to violence, the so-called “lone wolf,” domestic-based, who did not train at an al-Qaeda camp overseas or become part of an enemy force, but who may be inspired by radical, violent ideology to do harm to Americans – illustrated last year by the Boston Marathon bombing. This is the type of threat that may be hardest to detect. It involves independent actors potentially living in the United States, with easy access to items that, in the wrong hands, can become tools for mass violence.

To counter the potential for violent extremism at home, I am committed to seeing DHS continue to build strong relationships with state and local law enforcement throughout the country. We continue to provide training to law enforcement, community and private sector partners to counter violent extremism and active shooter threats. We have studied and shared information with these partners regarding violent extremism, including the factors that may influence extremist activities as well as potential indicators. We also continue to encourage public participation in our efforts through campaigns such as “If You See Something, Say Something,” which promotes the reporting of suspicious activity to the authorities.

Homeland security depends on security along our borders and at ports of entry. At our borders and ports of entry, we must deny entry to terrorists, drug traffickers, human traffickers, transnational criminal organizations, and other threats to national security and public safety while continuing to facilitate legal travel and trade.

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. There are now increased personnel, technology, and infrastructure on our borders, more than ever before, and our men and women in and around the border are producing results.

But we must remain vigilant in response to the latest trends and challenges to border security. We are concerned and closely monitoring a substantial increase in the numbers of unaccompanied children, who are some of the most vulnerable individuals who interact with our immigration system. We are working closely with the Department of Health and Human Services (HHS), which is the agency with jurisdiction over unaccompanied children and to whom DHS is mandated by law to transfer these children.

I have been closely following this emerging issue since coming into office, with a particular focus on the Rio Grande Valley. On Sunday, May 11th, I traveled to McAllen, Texas to view the situation and saw the children there first hand – an overwhelming number of whom were under twelve years old. I have taken steps across the Department and in coordination with federal partners to immediately address this issue. These efforts build on several years of increased and strengthened coordination.

Since taking office, I also have been focused on the issue of use of force by our agents and officers in the field. In my view, transparency is essential to the credibility of a law enforcement agency within the communities it operates. In March, both CBP and ICE delivered on a commitment I made in January and publicly released their use-of-force policies. The Department also publicly released, for the first time, the Department-wide use-of-force policy. And CBP has provided further guidance to the Border Patrol workforce to lessen the likelihood of incidents involving deadly force.

As we work to increase border security, however, we must continue to look beyond our borders. We are actively engaging our international partners to identify and interdict threats at the earliest possible point, before they reach our borders. We are sharing more information with these partners; we are working in a joint capacity to counter transnational criminal organizations, human and drug smugglers, and those who traffic in persons; and we are building greater security and integrity into our shared systems of trade and travel.

We can't sit along our land and maritime borders and play "goal line defense"— we must, where possible and appropriate, engage with our foreign and interagency partners to extend our homeland security beyond our borders and address threats as far from the homeland as possible. This is why I believe pre-clearance by CBP in foreign airports before passengers board a flight bound for the U.S., is a homeland security imperative. There are currently 16 foreign airports with last points of departure in the United States with preclearance operations, including most recently, Abu Dhabi. With the support of the government of the United Arab Emirates, in January we established a pre-clearance capability at the airport in Abu Dhabi. I sent a team of DHS officials to Europe last week to engage with our partners there to establish this capability at more overseas airports that are last points of departure to the United States.

Within the last several months we have issued advisories to airlines about evolving threats to aviation security and modified the TSA's screening procedures at last-point-of-departure international airports. TSA issues these advisories whenever necessary, based on the latest intelligence and information. We are, and have been, vigilant in checking the INTERPOL database for passports reported lost or stolen, to prevent someone with a passport that is not his or her own from boarding a flight to or from the United States.

Any international airport that has a direct flight to the United States must abide by strict U.S. security measures, which include appropriate verification of all travel documents. Since 2008, prior to departure, CBP vets all travelers for inbound and outbound flights to and from the United States, as well as any flight that travels through U.S. airspace, through the Advanced Passenger Information System and against INTERPOL databases, and does a thorough review of all relevant domestic and international criminal databases, for any issues of concern, including reports of stolen documents.

I have directed the development of a Southern Border and Approaches Campaign Planning effort that is putting together a strategic framework to further enhance security of our Southern border. Plan development will be guided by specific outcomes and quantifiable targets for border security, approved by me, and will address improved information sharing, continued enhancement and integration of sensors, and unified command and control structures as appropriate. The overall planning effort will also include a subset of campaign plans focused on addressing challenges within specific geographic areas.

Immigration enforcement is also critical to homeland security. ICE continues to focus on sensible, effective immigration enforcement that prioritizes the removal of national security and public safety threats, and those apprehended at the border while attempting to unlawfully enter the United States.

As I'm sure you know, on March 13 of this year, the White House shared that President Obama directed me to review our deportation policies, to see if removals can be conducted in a more humane manner. To accomplish this, I have sought advice and input from my team within DHS, including the very people that enforce our immigration laws on a daily basis. As I continue my review, I welcome the ideas of various stakeholders and Members of Congress from both sides of the aisle who bring to the discussion a diverse set of views. This review is ongoing.

Whatever we do to revise our enforcement policies, however, is no substitute for comprehensive immigration reform passed by Congress. Last year, the Senate passed a reform bill that would increase our border and port security, more effectively discourage employers from hiring undocumented workers, better enable employers to hire documented workers to meet labor needs, remove obstacles to family reunification, improve our ability to attract and retain highly-skilled immigrants by creating additional avenues for entrepreneurs and foreign students who graduate with advanced STEM degrees, and provide an earned path to citizenship for the estimated 11.4 million undocumented immigrants in this country, many of whom have been here for years.

This bill passed the Senate by a bipartisan vote of 68-32, is supported by President Obama, Democrats and Republicans, the business and labor communities, law enforcement and religious leaders, and, according to polls, the majority of the American people.

The estimated 11.4 million undocumented immigrants living in this country are not going away. They are not going to "self-deport." As a matter of homeland security, we should encourage these people to come out of the shadows of American society, pay taxes and fines, be held

accountable, and be given the opportunity to get on a path to citizenship like others. What we are talking about is not amnesty, or rewarding people for breaking the law; it is an opportunity to actually get right with the law and get in line behind others. It is far preferable to what we have now.

Meanwhile, I am committed to enforcing our immigration laws in manner that best promotes and ensures national security, public safety and border security. I am aware of the reports that in Fiscal Year 2013 thousands of individuals with criminal convictions who may be removable were released from custody. I have asked for a deeper understanding of this issue. Many of these releases were directed by immigration judges or pursuant to legal requirements, and/or with conditions of supervision intended to ensure their monitoring and appearance. Nevertheless, I intend to work with ICE leadership to determine whether we are doing everything we can to maximize public safety.

Finally, I am committed to addressing the various management issues facing the Department of Homeland Security.

For example, as part of a broader Unity of Effort initiative I have directed, we will ensure that the Department continues to invest and operate in a cohesive, unified fashion, and makes decisions that build true unity of effort across our components. This initiative will allow us to continue to build DHS into an organization that is greater than the sum of its parts – one that operates more collaboratively, is able to leverage shared strengths and take advantage of shared efficiencies, and is a more effective partner at every level.

With the White House and Congress, we are focused on filling the vacancies that exist at the senior levels of the Department. I am pleased that, since December, the Senate has confirmed seven new leaders for DHS, including myself. We are continuing to recruit and vet terrific candidates to fill the remaining vacancies, and I hope the Senate will act quickly to confirm our nominees.

Morale has been low within various components of the Department. Morale depends in very large measure on good leadership, and by filling the senior level vacancies, I believe we will inject a new energy into the Department. Deputy Secretary Mayorkas and I also have formed a Steering Committee to identify issues impacting morale and develop discrete plans to address those issues, including the hiring and promotion process, training and professional development, rewards and recognition for employees, performance management, and employee communications. Two weeks ago I presided at the first of our Secretary's "Act of Valor" awards programs, to acknowledge DHS personnel who commit acts of valor on or off duty.

I believe homeland security is the most important mission any government can provide to its people. In the pursuit of this important mission, I pledge to this Committee my total dedication and all the energy I possess. Thank you for listening and I look forward to your questions.