

**THE HOMELAND SECURITY DEPARTMENT'S
BUDGET SUBMISSION FOR FISCAL YEAR 2017**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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THE HOMELAND SECURITY DEPARTMENT'S BUDGET SUBMISSION FOR FISCAL YEAR 2017

TUESDAY, MARCH 8, 2016

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

The Committee met, pursuant to notice, at 10:04 a.m., in room 342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, McCain, Portman, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, Heitkamp, Booker, and Peters.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good morning. This hearing is called to order.

Let me first thank Department of Homeland Security (DHS) Secretary Jeh Johnson for coming before the Committee. I know you have done this a few times, and I know you also did it a little bit earlier than you necessarily wanted to, so I truly appreciate that.

I also want to just thank you for your service. I cannot imagine this is a real thank-filled position. It is a serious responsibility. I know you are a serious individual and you are trying to do everything you can to keep this Nation safe and secure, I really do appreciate your efforts working with a difficult agency—a difficult Department. It is never easy to consolidate 22 different agencies with different cultures. It has taken some time to do it. But, I think you have brought the right approach to the job here, so I truly appreciate your efforts.

For our own part here, I want to thank all of the Members of the Committee for coming here. It is an important hearing.

When I became Chairman, I sat down with the former Chairman, now my wingman, Senator Carper, and the first thing we did was—because of my business background, I thought it was very helpful to have a mission statement, and so, we quickly developed a mission statement for the Committee. It is pretty simple: To enhance the economic and national security of America. You cannot separate those two. They go hand in hand.

And, then, based on that, on the homeland security side of the Committee, we established 5 priorities. I am not saying these are the order of the priorities. They are all top priorities, but border security—we have held 14 hearings on border security, alone. We

have taken trips down to the border, to Central America. The border is not secure.

Cybersecurity—as General Keith Alexander said, it is the greatest transfer of wealth in human history—these cyber attacks. And, so, this Committee, working in a very bipartisan fashion, passed out of Committee the Federal Cybersecurity Enhancement Act of 2016 and married that up with the Senate intel bill. It is a first step. It is not a panacea, but it is a first step.

The third priority is protecting our critical infrastructure, including our electrical grid. I understand that Ted Koppel has written a book, “Lights Out”, talking about the vulnerabilities involved in that. That is something this Committee has to do more work on.

And, the fourth priority concerns what we can do, as a Committee and as a Federal Government, to counter Islamic terrorists and other violent extremists.

And, then, the fifth priority—and this is really kind of the purpose of this hearing, from my standpoint—is to commit this Committee—commit myself—to do everything we can to assist the Secretary, as well as the Federal Bureau of Investigation (FBI) Director James Comey and the National Counterterrorism Center (NCTC) Director Nick Rasmussen, in succeeding in their missions of keeping this Nation safe.

And, so, what this hearing is all about is the budget. This is providing the funds in what I would consider a top priority of government, the defense of this Nation—the defense of this Homeland. So, I want to really have this hearing focus on those threats and what we can do to keep this Nation safe and secure, so that America can be prosperous, because national security and economic security go hand in hand.

So, I do ask consent that my written statement be entered in the record,¹ but again, Secretary Johnson, thank you for coming here. Thank you for your service.

Chairman JOHNSON. And, I will turn it over to Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thank you. Thank you, Mr. Chairman.

Mr. Secretary, great to see you, and I want to echo the Chairman’s comments thanking you for your leadership. Some of your leadership team is here and we have had a chance to spend time with them as of late and we are grateful for their service and the approximately 220,000 people that you collectively lead at the Department of Homeland Security. Thank you for joining us today to discuss the President’s budget proposal for fiscal year (FY) 2017.

As you know, the President has requested a little over \$40 billion—\$40.6 billion to be exact—in discretionary funding for DHS. It is roughly a one percent decrease from the budget enacted this last year. And while I am pleased that the many vital Homeland Security missions are funded in this budget request, I do have some concerns about several of the proposals and the impact that they may have on the Department and on our ability to do our collective jobs.

¹The prepared statement of Senator Johnson appears in the Appendix on page 39.

I understand the need to do more with less as part of our efforts to continue to bring down our Nation's deficit and debt. Making additional progress is critical for the well-being of our Nation and our economy. But, while doing so, we also need to make sure that the Department has the funds that it needs to keep the American people safe against the constantly evolving and growing threats that we face as a Nation.

I am concerned, for example, by the proposal to cut funding for several Department of Homeland Security grants. In fact, some grants would be cut by as much as 35 percent. These funds are vital to helping our communities better prepare for major disasters and terrorist attacks. In Boston, for example, we all recall how the Department of Homeland Security grants were critical in training first responders and preparing the community to respond, as they did, to the Boston Marathon bombings.

I also have questions about the fee increases proposed in the budget for aviation security. I know that raising these fees has not always been popular with some in the Congress, but I have always felt that if something is worth having, it is worth paying for, and that is why I supported reasonable fee increases that will help the Department of Homeland Security carry out its missions. However, if Congress does not raise these aviation fees, there will be roughly a \$900 million hole in the budget for the Transportation Security Administration (TSA)—a \$900 million hole—and that is deeply concerning. I hope we can all come together and find a sensible solution to this challenge.

Despite these areas of concern, there are a number of positive items included in this budget request. I will mention a few of them. For example, there is a sizable investment, over \$1 billion, in cybersecurity. That is a 30-percent increase, I believe, over last year, for the budget. This new funding will help the Department to carry out several laws that this Committee has worked hard to pass over the past several years, and I thank my colleagues here for all of their work in doing that—really working with us over the last 3 years.

For instance, the budget request includes needed increases for Einstein and for cybersecurity tools to better secure our Federal networks. There is also funding for additional cyber personnel as well as for the information sharing portal that Congress called for creating at DHS.

The proposed budget also continues our recent investments in border security. I was particularly pleased to see increases in funding for valuable force multipliers, equipment such as aerostats, air-planes, helicopters, vehicles, boats, surveillance towers, drones, and fixed-wing aircrafts, that can help our men and women on the ground be more effective along our border with Mexico.

I was also pleased to see that the budget request continues to make countering violent extremism (CVE) here at home a high priority by funding the Office of Community Partnerships. Last month, this Committee successfully marked up my legislation that would codify this office. I thank the Chairman and others for their support. I think we passed it out of the Committee unanimously. I look forward to working with you, Mr. Secretary, and the Director

of the Office, George Selim, as well as our colleagues, to advance this important bill through the Senate.

Finally, I have also been quite encouraged to see funding for the ongoing consolidation of the Department's headquarters at St. Elizabeth's. Completing this project will ultimately save taxpayers more than \$700 million over the next 30 years by cutting down the number of costly leases we use to house DHS personnel.

Mr. Secretary, let me close by recognizing your leadership, along with that of your Deputy, Ale Mayorkas, as well as the efforts of your senior staff—some of whom are here today—and of the over 200,000 rank and file DHS employees in support of your “Unity of Effort Initiative.” Along with the Members of our Committee's staffs, the Chairman and I are working diligently to move legislation that would codify a number of your proposed reforms, and we look forward to hearing more today about how we can work together to ensure the Department has the tools, the resources, and the authorities it needs to grow stronger and to work even more effectively.

Again, thank you for joining us today. We look forward to your testimony and to our conversation.

Chairman JOHNSON. Thank you, Senator Carper.

It is the tradition of this Committee to swear in witnesses, so if you will please rise and raise your right hand.

Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Secretary JOHNSON. I do.

Chairman JOHNSON. Please be seated.

Secretary Jeh Johnson is the fourth Secretary of Homeland Security. Prior to joining DHS, Secretary Johnson served as General Counsel for the Department of Defense (DOD), where he was part of the senior management team and led more than 10,000 military and civilian lawyers across the Department.

Secretary Johnson's career has included extensive service in national security and law enforcement. He has also practiced as an attorney in private corporate law. Secretary Johnson.

**TESTIMONY OF THE HONORABLE JEH C. JOHNSON,¹
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY**

Secretary JOHNSON. Every time I hear that, I keep thinking, I have to rewrite that bio. People think it is more impressive that I ran an organization of 10,000 versus an organization of 200,000 people.

Mr. Chairman and Members of the Committee, you have my written statement.

This year's budget submission, as I think Senator Carper has accurately outlined, reflects hard and difficult choices to fit within the budget caps. Because we had to make hard choices, there are some things that I wish we could have funded at higher levels that we do not in this budget request.

Let me say that I appreciate very much the true partnership that I think we have had at DHS with the Members of this Committee

¹The prepared statement of Secretary Johnson appears in the Appendix on page 43.

and what I believe to be a very effective bipartisan working relationship with Members of this Committee. Just since I have been Secretary, I think, together, we have accomplished a lot.

Going back to even before I was confirmed and I began courtesy calls with members of this Committee, I took to heart the message I received from you about the importance of management reform—reforming the way in which our Department does business.

Overall, my goal as Secretary, for the remaining 319 days I am in office, is to leave the Department of Homeland Security in a better place than I found it. What that means is improving the efficiency and the effectiveness by which we deliver homeland security to the American public.

The centerpiece for that, as you know, has been our “Unity of Effort Initiative,” under which we have established joint task forces for border security on the Southwest and Southeast borders. We have established a Joint Requirements Council (JRC) to improve our acquisition practices and efficiency. We have beefed up our Office of Immigration Statistics. We are, as many of you know, developing better border metrics for evaluating and measuring border security as well as total attempts to cross the border under an initiative that we started called “BorderStat.” I appreciate the advice and input I have received from Members of this Committee in this regard. We have initiated something called the “Data Framework Initiative” to better integrate data that we collect within the Department, so that the data, itself, is not stovepiped and is effectively utilized against all of our databases.

This Committee helped us through the authorization of a number of activities, so that they are cemented into law, institutionalized, and will go beyond my job as Secretary and the time I have as Secretary.

I appreciate the effort, and I have reviewed the legislative language of this Committee to institutionalize our joint task forces, our Joint Requirements Council, and our joint duty, to elevate the Office of Policy within DHS to the Under Secretary level and to elevate the importance of that Office of Policy, which I think is indispensable to our “Unity of Effort Initiative.”

Thank you, Senators, for passing out of this Committee legislation to specifically authorize our Office for Community Partnerships, which spearheads our CVE efforts.

We also believe it is important to consolidate our Domestic Nuclear Detection Office (DNDO) and health affairs functions more effectively and efficiently around our Chemical, Biological, Radiological, and Nuclear Defense (CBRNE) Office, which is in pending legislation right now.

I also support the restructuring of the National Protection and Programs Directorate (NPPD) into a more streamlined, effective, and operational cybersecurity and infrastructure protection agency.

I know that we have been working effectively with your staffs on authorizing a number of these things. I fully support this effort and hope that we can continue to work down this path in the future.

Thank you very much, and I look forward to your questions.

Chairman JOHNSON. Thank you, Mr. Secretary.

I want to go right to community partnerships, because you just mentioned that. In a briefing with the Federal Bureau of Investiga-

tion officials, I was struck by one of the comments that, when officials go into communities—Muslim communities—and talk about youth that may be, potentially, radicalized, oftentimes, members of the community think we have perfect information, that we know exactly who might be prone to radicalization. Nothing could be further from the truth.

Can you speak a little bit about it, in terms of what you are trying to do in terms of engagement that way.

Secretary JOHNSON. Yes. Thank you for that question. Given the nature of the problem and the nature of the current threat, which, in the homeland, includes terrorist-inspired attacks, law enforcement and the U.S. Government is not always in a position to know about someone who is self-radicalizing. It is the case, however, that, in almost every instance I can think of concerning a self-radicalized actor, somebody close to that person was in a position to know.

So, since I have been Secretary, I have made our CVE efforts a top priority. I think these efforts are fundamental to the Department of Homeland Security's missions. So, the first goal is to build bridges with communities, including Muslim communities. I have personally traveled to almost every major metropolitan area in this country that has a significant Muslim population, and when I go, I want to be sure that State and local law enforcement is with me. So, the goal is to simply build bridges with these communities to say, "help us help you," and, "if you see something, say something."

Beyond that, the mandates that I have given our Office for Community Partnerships are to engage the technology sector, so that the technology sector helps communities amplify the counter-message to the Islamic State of Iraq and the Levant (ISIL), and to engage philanthropies. How can philanthropies help and support a lot of community activities?

I am pleased that, in this year's budget, we have money for our CVE efforts, and, in this year's budget submission for 2017, we have also requested some money for our CVE efforts.

But, those are basically my three goals for our CVE efforts and I believe they are as important as any other Department of Homeland Security mission right now, given the nature of the threat we face.

Chairman JOHNSON. OK. And again, I appreciate your efforts that way. I think that, probably, one of the most important things we can do is to engage those communities in a positive way.

I do have to bring up unaccompanied children (UAC). I think we are still at, or possibly beyond, crisis proportions here, largely because—and, listen, we went down to the border. We were incredibly impressed with what your Department did addressing the crisis in 2014. But, we have gotten more efficient at apprehending, at processing, and at dispersing, and Senator Portman held a great hearing in the Permanent Subcommittee on Investigations (PSI) on the depredations of some of these children who have been processed and dispersed, and we have kind of lost track of them.

I want to just talk about the numbers. Through January of this year, we have had 16,438 unaccompanied children from Central America. That compares to 11,034 in fiscal year 2014. So, if we just did the math on that, just prorate that, in 2014, we had 51,705 un-

accompanied children come in. This was the crisis year. If we maintain this pace, we will have 77,000 in 2016.

Now, we have not gotten the February 14 numbers. That would be my first question. How many unaccompanied children were apprehended, processed, and, probably, dispersed in February?

Secretary JOHNSON. Well, I want to compare numbers with you. I am looking at my latest and best, in terms of UAC numbers. You are correct that in the fall of 2015, we saw an increase. Fiscal year 2014—we saw the spike in the summer of 2014 that everybody knows about. Fiscal year 2015, after the things we put in place, we had a pretty good year. It was down significantly from fiscal year 2014. In terms of total apprehensions on the Southwest border, it was the second lowest number since 1972, in terms of total apprehensions.

In the fall—in October, November, and December—we saw an increase in UACs. The number was 6,775 in the month of December. In January, the number went down by more than half.

Chairman JOHNSON. This is just the chart,¹ in terms of the total, by fiscal year, through 2015. So, we had the spike in 2014: 51,000. Last year, it went down to 28,000. But, again, my point is, just in the first 4 months for which I had numbers, if you annualize those numbers, we would be up to 77,000 for fiscal year 2016.

Secretary JOHNSON. Well, I was just getting to that. In January, we saw a significant dropoff, down to 3,111. In February 2016, there were 3,113 UACs. The March number so far—we are only 7 or 8 days into March—is pretty much at the same pace as February—slightly higher.

As I think everybody here knows, in early January, we began a series of public, concerted efforts in interior enforcement that focused on families, but we have also focused on just about every other population that has entered this country recently. Those apprehended at the border are a top priority. We focused more recently on those who came into the country as children or adults—and those people are in removal proceedings.

The total number of those sent back to Central America this fiscal year is just over 28,000. The total number sent back to Mexico, either by Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE), this fiscal year, is around 128,000. So, those are pretty significant numbers. And, so, we are sending a very public message that, if you come here illegally, and if you do not have a valid claim for asylum and you have been ordered to be deported by an Immigration Court, we will send you back—and I have been very public about that.

Chairman JOHNSON. But, again, the point being—again, in February 2014—I did not have the numbers for 2016 to compare—there were about 3,400 unaccompanied children coming in from Central America. So, you are saying in February 2016, it was about 3,100?

Secretary JOHNSON. The February 2014 number was 4,840.

Chairman JOHNSON. So, again, one of the reasons I want border metrics is so we are talking about the same—

Secretary JOHNSON. Well, I am happy to share this.

¹The chart referenced by Senator Johnson appears in the Appendix on page 60.

Chairman JOHNSON. OK, and we will take a look at that. But, the bottom line—

Secretary JOHNSON. The February numbers were lower.

Chairman JOHNSON [continuing]. We are pretty darn close, and if you annualize where we are in fiscal year 2016, we would be looking at 77,000 this year, versus 51,000 in the crisis year of 2015. I mean, we can massage the numbers a little bit, but it is pretty darn close.

Secretary JOHNSON. I do not think that is accurate, sir.

Chairman JOHNSON. What do you have year to date through February—unaccompanied children from—not by month, but year to date?

Secretary JOHNSON. Year to date, UACs this fiscal year, we have 23,553.

Chairman JOHNSON. So, in 4 months, we are up to 23,000 already.

Secretary JOHNSON. 23,553—

Chairman JOHNSON. 23,000. So, that is just in 4 months.

Secretary JOHNSON. 5 months.

Chairman JOHNSON. OK. That is through 5 months. We are still at a pretty high pace. We will compare those figures.

Secretary JOHNSON. The numbers are high. Definitely, the numbers are high. They are higher than I would like them to be. But, I have not done the math and I am not sure that they are at the same February 2014 pace. But, again, I am happy to share these with you, sir.

Chairman JOHNSON. We will look at that. But, again, my point is that 2014 was a crisis. Right now, I think we are running ahead of 2014 levels from the numbers I am getting—

Secretary JOHNSON. I do not believe that is true.

Chairman JOHNSON. Well, we will compare notes, because I am just talking about from Central America.

I have run out of time. Senator Carper.

Senator CARPER. I just ran the numbers really quickly, and just from shorthand, back-of-the-envelope numbers, if we are at 24,000 through the first 5 months, that would, I think, equate to an annual number—if it holds for the next 7 months—we would be looking at about 57,000. I think that is how it works out.

Secretary JOHNSON. I think the difference here may be, Senator, that you are looking at Central America numbers. I am looking at the total numbers.

Senator CARPER. OK.

Secretary JOHNSON. That may be the difference.

Senator CARPER. OK. Let us just stick with Central America for just a moment. I want to applaud the Administration for deciding to, not just to support force multipliers on the border—that is important. We need to invest not just in Border Patrol officers, but we need to invest in fixed-wing aircraft. We need unmanned aircraft. We need to invest in helicopters, boats, and motion detectors—all of the above. And, the Administration's budget actually calls for a very small reduction—I think by maybe 300 out of maybe 21,000 or 22,000 Border Patrol officers—but a significant investment in technology that will enable the Border Patrol officers that we do have deployed to be more effective—and I applaud that.

My colleagues have heard me say more than a few times, with respect to Central America and the flow of unaccompanied children and families—they are not coming from Mexico. As we know now, there are more Mexicans going back into Mexico from the United States than coming from Mexico into the United States. And, for the most part—the flow of these numbers actually represent people, but most of them are coming from Honduras, Guatemala, and El Salvador.

We spent, over the last decade, a quarter-of-a-trillion dollars to strengthen our border with Mexico. In the same 10 years, we spent less than 1 percent of that quarter-of-a-trillion dollars to address the root causes for why all of these folks are trying to get out of Honduras, Guatemala, and El Salvador to make it to our country.

The Chairman and I have been down there. Others have been down there. They lack hope. They lack economic opportunity. There is rampant violence. And it is actually a situation that we are complicit in, because we buy drugs. We are addicted to the drugs. They flow through those countries. And, we send money and guns down to those countries and make life miserable for the people who live there. They want to leave and they want to come here.

And, rather than just build our fences and walls and so forth, we need to also—while it is important, border security is hugely important, we also need to address the underlying root causes.

They have come up with their own plan. It is like a “Plan Colombia” that was very successful in turning Colombia around. The plan in Central America, among the three countries of Honduras, Guatemala, and El Salvador, is called the “Alliance for Prosperity.” It focuses on governance—the ability to govern. Number 2 is security and rule of law. And, number 3 is economic development.

And, the idea is not for us to literally turn over American tax dollars to those governments to focus on those three items. They have to raise their own money. And, what we do is we provide funding that goes through our own efforts, through a nonprofit organization. I think it is a very smart strategy. We need to be able to walk and chew gum, and I think with the Administration’s proposal, we will do that—and I applaud that.

The Chairman has already touched on the unaccompanied minor surge with you. Let me just say, the numbers for the first 3 months of the fiscal year were very concerning. The numbers for the months of January and February are much better, and I think you sent a message. I think maybe that message has been received by the folks down there that would otherwise want to try to come up here.

I want to focus, for the last minute or so that I have, on the impact of DHS fees, and their impact on the Department of Homeland Security and on the public. Mr. Secretary, could you just talk a little bit about why we need to increase some of the fees—I think 2 of them that CBP and TSA collect. What will be the impact on the average American if those fees are increased slightly? What will be the impact on the Department of Homeland Security if we do not support the fee increases that the Administration has requested?

Secretary JOHNSON. Let me begin by saying that the budget request, as I said before, does reflect hard choices to stay within the caps. Part of our request is a request for authorization of the fee

increase, with respect to air passengers, and the increased airline fee. The proposed increase would restore revenue fees from the airlines. I believe the amount is \$470 million.

Senator CARPER. Is that about a dollar a plane ticket?

Secretary JOHNSON. Well, that is for the airlines.

Senator CARPER. OK.

Secretary JOHNSON. The proposed passenger fee increase, I believe, is \$5.60 to \$6.60. That is a dollar increase.

The underlying rationale for the proposed fee increase is that it goes to pay for aviation security and border entry at airports and that those who use the system—as opposed to taxpayers, generally—should help a little more in paying for those things—in paying for those services for aviation security.

My recollection is that these two proposals would generate about \$900 million in revenue for the Department. If these are not increased, we are going to have a real problem finding how to pay for aviation security. Aviation security right now, given the world environment, in my judgment, is critical for the Congress to support. I was very pleased by this year's budget and next year's budget request. We have held the line on Transportation Security Officers (TSOs). We are not reducing them anymore. And Administrator Peter Neffenger and I are making a number of other investments in aviation security. We need help to pay for that. Right now, I believe aviation security is critical, given the world situation.

Senator CARPER. And I agree. Thank you so much.

Secretary JOHNSON. Thank you.

Chairman JOHNSON. Senator Portman.

OPENING STATEMENT OF SENATOR PORTMAN

Senator PORTMAN. Thank you, Mr. Chairman. Secretary Johnson, it is good to have you before the Committee again.

I have so many questions for you, I do not know where to begin, but I am going to, if I could, try to get some rapid responses to four issues.

First is an issue, as you know, we are dealing with right now on the floor of the U.S. Senate, which is this epidemic of prescription drug and heroin addiction and overdoses. We will lose probably 25 people in Ohio, this week, and 100 people in America, today, to overdoses. We understand that this heroin is primarily coming from Mexico, over the border. We recently had testimony in the House Judiciary Committee from the Texas Director of Public Safety saying this porous border with Mexico provides cartels reliable means to infiltrate this country—to smuggle and traffic drugs and people in the United States. He talked about some of the cartels and what they engage in.

Can you give us a sense of what we could be doing better to interdict these drugs, to keep them from coming into the United States, and, specifically, tell us, if you could, what percent of the heroin coming in is apprehended and stopped at the border and what percent is coming into our communities.

Secretary JOHNSON. Well, a couple of things. One, most of the heroin that is brought into the country is over land—not by sea. The Coast Guard is focused on this, but most of it is smuggled by

land. I do know that the percentage of heroin—interdicted by CBP that was smuggled—those numbers—that volume has gone up between last year and the year before. That has been going up because of our sustained, enhanced efforts.

This is an effort that our Joint Task Forces (JTFs) have undertaken. It is an effort that CBP has undertaken. And, it is an effort that ICE's Homeland Security Investigations (HSI) has undertaken as well.

I do not have, sitting here, an estimate of what percentage is interdicted versus what percentage gets through. If we have that number, I will see if I can provide it for you.

Senator PORTMAN. That would be helpful. The number that you hear commonly is that 9 out of 10 of these packages of heroin, which are killing our constituents and the people we represent, are getting through, and—

Secretary JOHNSON. I do know that the volume of seizures by CBP and by HSI has been going up lately.

Senator PORTMAN. I would love to follow up with you on that and figure out how we can do a better job. I mean, this legislation called the Comprehensive Addiction and Recovery Act of 2016 (CARA), before the Senate today, focuses more on prevention, treatment, recovery, helping law enforcement, and so on. But one of the issues, obviously, that many of my colleagues and I are concerned about is how do you stem this flow and, therefore, increase the price, because one of the issues is prescription drugs are being replaced by heroin because the price is so low—and it is flooding our communities.

On the unaccompanied children issue, as you know, we held a hearing at the Permanent Subcommittee on Investigations on this issue. This is where unaccompanied children come in, and we talked about the numbers. It looks like, as you said, the numbers are going to be high again this year—although you have made some progress in the last couple of months. The fact is that we have thousands of these kids in detention with the Department of Health and Human Services (HHS). You do not detain them, HHS does, and HHS releases these children to adults who are called sponsors. The idea is they go to these sponsors because they can come to an immigration hearing.

Sadly, what we found out in our investigation was that some of these children were actually placed, not with sponsors who were family members or surrogates of family members, but with actual traffickers. And, in Ohio, we had kids from Guatemala who ended up at an egg farm being exploited, working 6 to 7 days a week, 12 hours a day, and having their paychecks taken away from them by traffickers. These traffickers got the kids from the Department of Health and Human Services.

My question to you is very simple this morning. Are you aware of this, first, and, second, are you working with HHS to come up with a way to actually implement legislation that is currently in place, which would prohibit these children from being placed with traffickers.

Secretary JOHNSON. I am aware of these very unfortunate situations, including the one in Ohio, sir. I know that HHS Secretary Sylvia Burwell is very focused on the placement of the children. It

is her legal obligation. And, together, we have been working on ensuring adequate placement consistent with the law.

Senator PORTMAN. You do have a role here. As you know, we have, in our report, indicated that HHS can work better with DHS to try to address this issue.

Final question—I have more, but—is just this issue of social media and terrorism. We saw with regard to the San Bernadino attacks, that Tashfeen Malik, the female shooter, was on social media talking about her jihadi agenda. In fact, she went so far as to have an anti-American remark beside a photo of a plane crashing into the World Trade Center—and yet, she went through several screenings and none of that was picked up.

Can you tell us briefly what you are doing to be sure that social media is something that is looked at as people are screened—not just for the K-1 visas for fiancées, but for all of our non-immigrant visas.

Secretary JOHNSON. A couple of things. First, as the FBI Director has commented, Ms. Malik’s social media was not public prior to her entry into the United States. Notwithstanding that, we have, over the last 2 years, enhanced our use of social media in connection with immigration benefits. We have a number of pilot programs going on now. There was a “Social Media Task Force” that recently gave a report to me. I directed the Department to go even further in our use of social media. We use it now for something like 30 different investigative intelligence purposes across the Department, but we are enhancing the use of social media in connection with immigration benefits—both refugee vetting and K-1 review.

Senator PORTMAN. Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Mr. Chairman. Thank you, Ranking Member.

Thank you, Jeh, for the job that you have done as Secretary. You and your team need to be commended on that. It is a tough job. Thank you.

I want to just talk a little bit about the Port of Raymond. We visited it a little off schedule, outside of the door. There is a recommendation to reduce it from 24 hours to 18 hours. First of all, thank you for taking public input. I hope you continue to take public input on border crossing with the folks that live in that region, because it is important.

I think, from a security and an economic standpoint—I know you are going to look at both—and I think it is really, really important. I think that, as we try to continue to grow our trade with Canada, I think it is just very important we take a look at Raymond and look at it from that perspective. That is all I am going to say on that point. We will follow up on that.

Since TSA was brought up and fees were brought up, I want to talk just a little bit about full body scanners, because Administrator Peter Neffenger was in front of our Homeland Security Subcommittee on the Senate Appropriations Committee last week, and we have a number of them in Montana. He said there is a percent-

age of TSA folks who do not have the full body scanners available. Is that because of lack of money?

Secretary JOHNSON. I am not sure. I am not sure whether it is lack of money or whether we believe some other technology is better.

Senator TESTER. OK.

Secretary JOHNSON. I do know that we are doubling down on our use of technology at airports for aviation security in reaction to the Inspector General's (IG's) test results last summer.

Senator TESTER. Yes.

Secretary JOHNSON. I gave the Administrator a very aggressive 10-point plan—

Senator TESTER. Right.

Secretary JOHNSON [continuing]. To reevaluate our technology—and I know he is doing that.

Senator TESTER. Yes. Well, I would just say that I agree with you when we talk about air travel. I can tell you that in a lot of these airports—they are big airports for Montana—but they are smaller airports when you compare them to Dulles, O'Hare, and places like that. I think it is critically important that they have the same—that we put forth the same effort of security, and if you could kind of look after that, I would sure appreciate it.

I want to also talk about community partnerships. This administration is proposing a \$560 million cut to the Federal Emergency Management Agency (FEMA) preparedness grants, which includes "Operation Stonegarden" funding that impacts our Indian communities in a big way. It is pretty steep. Can you tell me why you are doing it this year? Last year, I think they were held pretty constant.

Secretary JOHNSON. I support the President's budget. The President's budget request reflects hard choices to live within our caps. Having said that, I have seen, firsthand, the importance and the effectiveness of our FEMA grant money, which is delivered to State and local law enforcement and to communities for such things as active shooter training and overtime for police and fire. Grants are important—very important.

Senator TESTER. Yes. I think they are critically important, and oftentimes, I wonder if the Administration does not cut programs that are really, really good programs, just figuring we are going to bump them up. And, I hope that is not the case here. I hope it is not the case anywhere in the budget, but we are going to have to do something about that, because, quite frankly, I feel the same as you. They are very important.

I want to talk about border staffing really quickly. According to the 2017 budget request, DHS has a target of 300 fewer border agents than last year. Tell me—that is on the Northern border?

Secretary JOHNSON. Yes.

Senator TESTER. Tell me how that is going to work, because, quite frankly, I thought you were undermanned at this point now—that you were looking for more agents. If we are going to cut an additional 300, it looks to me like we are putting something at risk here—but maybe I am not seeing something you are.

Secretary JOHNSON. Well, I believe that the allocation that you see reflects a judgment about where the risk is and where the

vulnerabilities are. As you know, Senator, we have a pretty active Southern Border right now. I also know that we are not doing as good a job as I would like to see us do, in terms of hiring—hiring up to the levels that Congress has authorized and appropriated. And the Commissioner of CBP has very aggressively taken steps to recruit and to get people through the vetting process.

In terms of the allocation at the Northern Border, it is something that I insist that we look carefully at every year when we make these judgments, but I do believe it probably reflects a judgment about where the vulnerabilities and the needs are, Senator.

Senator TESTER. OK. I will wrap it up really quickly, because my time is up. I just think that, when we are talking about drugs coming across the border, they do not all come across the Southern Border. And I think that if we have a Northern Border hiring problem, there are some things we can do. Places like where Heidi and I live are pretty rural. You are probably not going to get somebody from Chicago to move out to Plentywood, Montana, but you would get somebody from Scobey to do that. And, so, I think it is important that we start building bridges with our university systems in those States, because they can help you out a lot.

With that, I will just leave you with these words: Do not forget about the Northern Border. It is damn important. I live 70 miles south of it. And, if we take our eye off of that, they will go to where the weakest link is.

Thank you, Secretary Johnson.

Secretary JOHNSON. Thank you.

Chairman JOHNSON. Senator Baldwin.

OPENING STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you, Mr. Chairman and Mr. Ranking Member.

I want to thank you, Secretary Johnson. The first question relates to a question that Senator Tester just asked with regard to State grant programs, FEMA preparedness grant programs. I am concerned about the proposed cuts as well as their impact and their potential for impact in the State of Wisconsin.

The DHS grant program, which is, I think, budgeted at \$267 million less than the Fiscal Year 2016 enacted level—this funding has been critical in my home State. Recently, these funds have provided equipment and training to our fusion center in Milwaukee, which, I might just add, is where a terrorist attack was thwarted just a couple of months back.

Let me ask a question about that, and then before you answer, put forth an additional question related to the FEMA preparedness program. I would like to see or hear the justification for the proposed cuts to the State grant programs. And, are there other efforts that we should be aware of that may supplement the critical work of these programs?

Switching to the cuts in the FEMA preparedness programs, particularly a 63-percent cut to the National Domestic Preparedness Consortium (NDPC), I also want to point out the impact there in the State of Wisconsin. The Transportation Technology Center (TTC) uses funding for its “Crude Oil by Rail Program.” Over the past five or so years, Wisconsin has seen a huge escalation in the

number of oil trains that are coming through from the Bakken to points west and south, and, because of this, it is so important that our first responders have the opportunity to receive training on the horrible possibility of a train derailment. We have had several, by the way, in the State. Fortunately, we have not seen any explosions.

But, in your assessment, can you explain why the President's request for the National Domestic Preparedness Consortium was more than \$60 million less than Fiscal Year 2016? And, to what extent does DHS prioritize funding for proactive programs that prepare local first responders to respond to natural or human disasters?

Secretary JOHNSON. Well, let me begin with the last part of your question first. We place top priority on programs that proactively get at preparedness and prevention, which is why, at various different levels, we are funding State and local law enforcement, first responders, emergency responders, and even paramedic equipment. Having said that, as I remarked before, this budget does reflect hard choices. The budget deal that was made by Congress and the President for 2016 and 2017 provides for greater levels in 2016 than it does for 2017. So, regrettably, the proposal you received has the cut for the various different grants.

Congress will ultimately do what you believe is necessary and appropriate by way of funding, but that is where we believe we needed to make some reductions. But, as I said before, I do believe these grants are very important.

Senator BALDWIN. I am going to stop you there, because I want to fit in one quick, additional question—but we will certainly be following up on that.

Last November, I wrote a letter to Commissioner Kerlikowske along with Congressman Reid Ribble, from my State, about an issue at the Austin Straubel International Airport in Green Bay. This airport, which is a port of entry (POE) serving Northeastern Wisconsin, has hosted the CBP's Green Bay Port Office for over 20 years. However, in July 2011, CBP informed the airport that the current port office did not meet its needs and that a general aviation facility would be necessary for CBP to remain at the airport. The airport subsequently worked with CBP to construct a general aviation facility and spent over \$3 million to meet CBP's specifications.

Unfortunately, in July of last year, CBP reversed course and informed the airport that it would no longer occupy the facility. Let me emphasize that this was after the airport paid more than \$3 million on the construction of the facility. This was after the airport worked with CBP on the design of the general aviation facility and after CBP signed off on the facility.

This is unacceptable, and as I made clear in my letter, there are no laws or rules that we can find that prevent CBP from occupying the general aviation facility, as it has claimed. So, it has been over 4 months since we wrote that letter, and I raised the issue with the Commissioner. I have yet to receive a response to the letter.

So, I want to ask you, today, and raise this to your attention. Will you commit to looking into this issue and responding to my constituents' concerns?

Secretary JOHNSON. Yes, I am aware of the issue and I am already looking into it and I will ensure that you receive a prompt response—and I will be interested in the response.

Senator BALDWIN. OK. And, when can I expect a response?

Secretary JOHNSON. How about within the next week?

Senator BALDWIN. That would be great. Thank you.

Secretary JOHNSON. I do not know what the status of the response is, but I will ensure that you get a response within the next week.

Senator BALDWIN. Thank you.

Chairman JOHNSON. Senator Heitkamp.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. Thank you, Mr. Chairman, and thank you, Secretary, for the great work that you do on behalf of the people of this country.

I want to just reiterate what Senator Tester began saying, which is, those of us on the Northern Border believe that we are entitled to a level of protection and a level of border security that we do not always see. And, we measure the open positions, the ones that your folks have already said we need to protect the Northern Border, but yet we have huge vacancies. Recognizing the challenges that you have in recruitment in places like Portal, North Dakota, I want to just reiterate the absolutely critical importance of getting more attention to the Northern Border.

With that said, a couple of things. First, one of the things I frequently hear from the folks down on the Southern Border is that there is not really a plan, that the last kind of organized plan, or strategic plan, for the Southern Border is a 1990s plan, and that there is not a sense of coordination. What is your response to that?

Secretary JOHNSON. My response is that, 2 years ago, we created joint task forces for the Southern Border, where a Joint Task Force Director is responsible for coordinating all of the DHS assets and resources devoted toward border security in the Southwest and the Southeast. Part of that responsibility is that, every year, they have to submit to me a plan for border security—which includes not just people, but also prohibited items, like illegal narcotics, and so forth. So, we do have strategic plans for how we intend to secure the border in each place.

Senator HEITKAMP. Why do you think that the other law enforcement agencies believe there is not an overall strategic plan?

Secretary JOHNSON. I am not sure. Other law enforcement agencies are certainly aware of our joint task forces and help support them.

Senator HEITKAMP. Yes. I say this not by way of criticism, but because that communication seems to be a gap here, in terms of what you say you have and what people on the border—whether it is people who are living on the border or people who are charged with the responsibility of protecting people on the Southern Border—believe there is. And, so, increased communication and understanding, especially making sure that the people who work for your agency actually understand what that plan is and that it is not just some document that is on a shelf in Washington, D.C.

The second thing, as we are talking about the movement of narcotics across the border—with the movement of marijuana, I think that we would all agree that marijuana is basically carried across. But, one of the concerns that I have with narcotics is that they are typically tunneled across. So, we have been talking to your staff about tunnel detection—about technologies.

I guess my question to you is, do you believe you have a tunnel detection strategy on the Southern Border and are you deploying the best equipment? If you cannot answer that in kind of an open session, I think it would be good to do some kind of secured briefing on tunnel detection.

Secretary JOHNSON. I would be happy to give you a secure briefing on that. We do have a tunnel detection capability and we have a very focused effort on this—but I could give greater detail in private.

Senator HEITKAMP. Right. In this budget, do you believe there have been enough funds allocated to that kind of technology?

Secretary JOHNSON. Within the confines of the caps we have to live with, yes. But, I could always use more in the absence of budget restraints.

Senator HEITKAMP. Well, we had an opportunity to see some of this in Israel, as it relates to securing their border, and I am very interested in what kind of tunnel detection you have—whether we are deploying the number of resources that would reflect our concern about what it is that is moving through those tunnels.

Finally, I would just like to talk about first responder grants. I think we have been very concerned about preparedness for first responders—whether they are responding to trains or whether they are, in fact, responding to terrorist activity—and yet we see a decrease in that kind of funding for first responders. I am going to run out of time, but I just want to impress upon you that those folks are on the front line. There are not enough Federal agents. There are not enough Federal personnel to protect this country. They are asking a very minimal amount of investment in helping secure that mission, and the last place we should be cutting, in my opinion, is grants for first responders—whether they are responding to a train or whether, in fact, they are responding to terrorism—and being prepared to respond.

Just a note. When, in fact, we have had a very high-profile incident of a train exploding, the single thing that the fire chief told me is that the command and control incident training that he received at FEMA was absolutely critical. So, it is deployed every day. You do great training. Let us not lose sight of our partnerships with the local folks.

Secretary JOHNSON. Thank you.

Chairman JOHNSON. Senator Booker.

OPENING STATEMENT OF SENATOR BOOKER

Senator BOOKER. Thank you very much.

Again, I just want to echo the words that were said and really compliment you on your work and your dedication—and I just appreciate your leadership, especially during these difficult times.

I just want to jump right in with regards to CVE. I was happy that this Committee passed two bipartisan bills, and has made it

very much a priority. We passed authorization for the Office of Community Partnerships. I really am grateful for the leadership of Senator Carper and Senator Johnson in helping this Committee to come together around these issues.

And, I am pleased to see the funding that was in the bill—in the DHS-led CVE work—really becoming a part of the President’s budget, which is something, again, I am very grateful for. \$49 million dollars has been requested for DHS’s CVE efforts. If you look closely, unfortunately—at least I seem to see it that way—we see \$10 million requested in grant funds for CVE-related activities at the local level and \$39 million for activities targeted at preventing and preparing for—and this is how it reads—responding to complex, coordinated terrorist attacks.

And, so, my concern with this language is that the majority of this money would be spent on preparing for a law enforcement response, while CVE is intended to create partnerships for community groups to do work to prevent radicalization really before law enforcement gets involved. So, it seems almost as if this funding is not really targeted towards the idea of CVE in the first place.

And, so, how do you really envision this money being spent and how can we ensure that we are really bolstering some of the efforts, of which we are already starting to see some signs that they could be very fruitful, in general, as opposed to the law enforcement response that sort of ignores—to me—community organizations, universities, educators, tech folks, and others?

Secretary JOHNSON. Yes. The language you read is for 2016, right?

Senator BOOKER. Yes.

Secretary JOHNSON. Yes. Right. To be candid, I had the same reaction you had. We learned we had \$50 million for CVE, but then upon closer examination, \$39 million of that is for terrorist attack preparedness, which is important, but it leaves just \$10 million for our CVE efforts.

As I explained earlier, CVE is a huge priority. One of the things I heard, repeatedly, when I would go to these communities in Minneapolis or elsewhere is the need for resources. We need help supporting our efforts at the local level.

My recollection, Senator, from the language you read, is that there was some line in there that gave me some flexibility, in terms of how we allocate that—but I could be wrong.

Senator BOOKER. And, I will just say, just to get to my next area of questioning, you and I both know budgets reflect priorities. We can say that this is a priority, but, really, the paucity of investment being made—what I found from being a local leader—and I know you know this better than I do—is that creating these partnerships—creating these relationships—is incredibly valuable—not just in CVE efforts, but also in helping to detect radicalization, in the first place. So, I would just really emphasize the importance of that.

And, one thing I want to say is, I am curious if your folks can get back to me about whether there are a lot of concerns coming from the Muslim community over all this being focused just on the Muslim community, when we know there is radicalization in, say, neo-Nazi groups and others that have—and hate groups that have

perpetrated violence and terroristic activities within our communities. I am hoping that some of this CVE effort is focused there, as well.

But, just real quickly, being that you and I have this kinship in the love of the State of New Jersey, I just want to bring to your attention—

Secretary JOHNSON. I love the taxes I pay there, too.

Senator BOOKER. We appreciate the taxes you pay, sir, even though you spend so much of your time here.

But, I really need you to comment on something that I hear so much anger and frustration over from people that live in our metropolitan area: the lines at Newark Airport, which are just outrageous. The holiday season—perhaps you do know that it was reported that we had such long lines that it led to delays exceeding an hour at some of these airlines that led, as one single airline reported, to about 200 passengers missing a flight. I believe that we have to do something to create more efficiencies. I get people coming and screaming at me on social media and the like, just so frustrated about this particular airport being worse than others in our country.

And, so, my question is, with the increase in funding for TSA in the President's budget, what flexibility do you have to focus on where the problem is? I fly into other airports in our region. I just do not see it as bad as what people are experiencing in Newark. We now have spring and summer travel seasons approaching. Can we not do something to alleviate this outrageous problem that, rightfully, is angering people at the Newark Airport?

Secretary JOHNSON. A couple of things. First, part of the increase in wait times is due to the increased volume of air travel. That is a fact. Part of it is due to the increased volume of air travel.

Part of it is also due to the re-emphasis that the Administrator and I have put on the airport screening of those in the longer lines. So, one of the things you could say to your constituents, Senator, is, "join 'TSA PreCheck' for the shorter line." That is one way to get through faster.

With respect to the budget, it is the case that, in 2016 and 2017, we have reversed a steady decrease in the number of TSOs for this reason. So, this budget submission reflects holding steady on it with an emphasis on technology, so that we are not focused, solely, on risk-based strategies that lead to a decrease in personnel. We have reversed that trend to deal with wait times and the like. But, increased volume is also contributing to this, without a doubt.

Senator BOOKER. So, can somebody just get back to me with—I understand the PreCheck warning, but, I mean, we tell people to show up an hour before their flight and it seems like we should be telling them 2 hours before their flight. Can somebody get back to me with a plan to reduce wait times—if there is one for Newark Airport.

Secretary JOHNSON. Yes. Well, as you know, Senator, a lot of it depends on whether you are at Terminal A or Terminal C.

Senator BOOKER. Understood.

Secretary JOHNSON. Right.

Senator BOOKER. All right. Thank you, sir.

Secretary JOHNSON. OK.

Chairman JOHNSON. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman, and I want to thank you, Secretary Johnson, for your testimony today.

I also want to thank you for your recent visit to Michigan to meet with members of the Arab American Muslim community. As you know, they expressed a number of issues and concerns to you, and they appreciated your hands-on approach to come out and talk directly to and to listen to the community. And, I just want to say, I look forward to working with you and your staff as you work through the number of issues that you heard at that meeting—and appreciated.

Secretary JOHNSON. That was a good visit to Dearborn. Thank you.

Senator PETERS. It was. It was really wonderful, and folks are still talking about it, so, thank you for that.

But, today, I would like to discuss the Blue Water Bridge in Port Huron, Michigan. As you know, Mr. Secretary, Canada is our largest trading partner, and the land ports connecting Detroit to Windsor and Port Huron to Sarnia are absolutely critical to our Nation's trade and commerce. In fact, in terms of freight measured by the value of shipments—so that which goes through those ports of entry—Detroit and Port Huron rank numbers 2 and 3 in the country, respectively, moving over \$200 billion worth of trade over those crossings. And, I know you know that, firsthand, as well, because I appreciated an earlier visit in 2014, when you came out and I accompanied you in Detroit and you went to Port Huron to see, firsthand, what was happening at those border crossings.

Last year, at this Committee hearing on the Fiscal Year 2016 budget, you testified that the case for expanding Customs capability at the Blue Water Bridge was clearly there and, in response to a letter that I sent, along with Senator Stabenow and Representative Miller, Customs and Border Protection Commissioner Gil Kerlikowske responded that the Blue Water Bridge remains, and I quote him, "a top priority." But, delay in the modernization of the customs plaza at the Blue Water Bridge has become a real burden for the city of Port Huron, and St. Clair County, generally, which continues to lose out on potential revenue as the land that was required for the expansion actually sits vacant.

As you are well aware, over 100 properties were demolished to prepare for this expansion. Folks believed that it was moving forward. There is a large area of just vacant land, which does not do much for the tax base of the city. It also has other issues that it has to deal with. And, new revenue from the construction and operation of that customs plaza would help offset that, not to mention, again, it is very critical for our Nation. Obviously, efficient border crossings are going to be critical for us economically, given that Canada is the top export destination for 35 States and that nearly 9 million U.S. jobs depend on trade and investment with Canada.

So, it is a strategic issue for the United States, which was identified, as well—and the Blue Water Bridge, specifically—as a priority in the 2011 "Beyond the Border Action Plan Agreement" with Canada. And that is why I am disappointed that the project has not

received funding so far—and you have heard those concerns before. There is a need. The local community is ready. The project is ready to go. So, I would just hope you could explain why the Department did not include funding for the Blue Water Bridge in the budget submission.

Secretary JOHNSON. Senator, as you noted, I have been to the Blue Water Bridge.

Senator PETERS. Yes.

Secretary JOHNSON. I have seen the backup of tractor trailers on the bridge trying to get into the United States myself.

Senator PETERS. Yes.

Secretary JOHNSON. And, as I said last year, I think the case is there. I can report to you that, after projects currently underway or soon to be under construction, the expansion of the Customs capability at the Blue Water Bridge is the highest priority—after the projects currently underway or soon to be underway. As I said, I think the case is there. It is not just a top priority, it is the highest priority on the list of future projects.

Senator PETERS. Yes. Any sort of timeline that you are willing to offer with that?

Secretary JOHNSON. I do not have one sitting here, but I am sure that Customs and Border Protection can give you that, sir.

Senator PETERS. Well, I appreciate that, and I know there are also some issues—or at least the potential to have a public-private partnership that could be formed, as well, perhaps, to accelerate that. It is my understanding Commissioner Kerlikowske said that some of these alternative financing projects may even speed that up. Do you concur that that might even be another way for us to accelerate the timeline?

Secretary JOHNSON. In my experience over the last 2 years, great minds can think of some pretty creative ways to come together and solve these problems.

Senator PETERS. Well, great. Well, I appreciate that.

Secretary JOHNSON. The public-private partnerships and the like—

Senator PETERS. I appreciate that, Secretary, and I appreciate that it has gone from a high priority to the highest priority, so that is encouraging to hear that—

Secretary JOHNSON. That is what I have on this piece of paper right here. [Laughter.]

Senator PETERS. Well, if it is on paper, it must be true, so thank you, Mr. Secretary. I appreciate it.

Secretary JOHNSON. Thank you. And, I personally also believe in the case, too, having seen it myself.

Chairman JOHNSON. Senator Ayotte.

OPENING STATEMENT OF SENATOR AYOTTE

Senator AYOTTE. Thank you, Chairman.

I want to thank you, Mr. Secretary, for your leadership and service. You have a very important job.

I wanted to follow up on what both Senator Heitkamp and Senator Tester talked about on the Northern Border. Actually, Senator Heitkamp and I introduced, and this Committee passed out, a bill called the Northern Border Security Review Act. Essentially, what

it would do is require an assessment of the current state of the border between Canada and the United States—and, to me, that makes sense as we look at resources. Is that something you think would be sensible?

Secretary JOHNSON. It sounds right. Yes, ma'am.

Senator AYOTTE. Great. Thank you. I hope we can get that to the floor and I appreciate the Chairman getting that out. Hopefully, we can get that passed and get that to you.

I also wanted to follow up on the questions that Senator Portman asked you about, obviously, the heroin interdiction at the Southern Border. I think it would be really helpful for us to understand sort of what has been the trend, because, in other Committees that I serve on, the testimony that I have heard is that we have seen a significant increase in production of heroin. So, I think it would be helpful for us to understand, as we look at what is happening on the Southern Border, how much is being interdicted and how much is coming through. In New Hampshire, the price on our streets is so cheap right now, and anything we can do, obviously, to drive up that price and to stop its flow is going to help what our first responders are doing on our streets to keep it away, and, obviously, to protect people.

So, I wanted to ask you about the issue of fentanyl. Are we seeing an increase in fentanyl, which, of course, could be as much as 50 times more powerful than heroin—and it is a huge driver of what is killing people in New Hampshire and in the increase in our drug deaths.

Secretary JOHNSON. I have the numbers here for heroin and heroin seizures, which have increased in 2015 over 2014. Statistics on fentanyl—I do not have offhand, but I can certainly get you that, ma'am.

Senator AYOTTE. Well, that would be excellent, because we have seen that combination—as someone I know who is in recovery—an amazing young man—described fentanyl as a serial killer because it is so much more powerful than heroin. So, I think it would be helpful for us to understand the fentanyl numbers, too, and whether those have increased along with heroin.

I also wanted to follow up—I understand you just came back from a trip to Turkey—

Secretary JOHNSON. Yes.

Senator AYOTTE [continuing]. And the issue of, first of all, the foreign fighter flow—to get your perspective on where we stand with the foreign fighter flow with regard to the Islamic State of Iraq and Syria (ISIS).

And, in addition to that, recently before the Senate Armed Services Committee we had General Philip Breedlove, who I am sure you know—who is the European Commander—come before our Committee. I asked him about the refugee issue, and he told me that he is concerned that, in fact, criminality, terrorists, and returning foreign fighters are, clearly, a daily part of the refugee flow now.

So, could you give me an update on your trip to Turkey and what you see happening with the fighter flow issue? How much is this, from a homeland security perspective, something that you are focusing on?

Secretary JOHNSON. Yes. All good questions. I was in Turkey last week. I met with my counterpart, the Minister of Interior, there and we are making good progress, in terms of information sharing with the Turkish government. That is something that they are interested in doing with us and we are interested in doing with them. I signed several memorandums of understanding (MOUs) with that government to enhance information sharing—both with respect to cargo inspection and people. And, we agreed to further discussions, in further areas, that I would be happy to brief you on in private. Overall, I think it was a very, very productive visit.

We know from prior experiences that members of ISIL have left that area posing as refugees. That is a fact. So, I agree with General Breedlove's comments insofar as the worldwide refugee problem is something that poses a risk to us, in terms of what ISIL is trying to do.

In terms of refugee resettlement in the United States, as I am sure you know, we have a very thorough multi-layered process. Before somebody is resettled, it takes something like 18 to 24 months to complete for each refugee—and we have recently added further enhancements to the security of that process—just in the last several months—which will most likely add to delays, but we are also adding resources and personnel to satisfy our undertaking. But, we do have a very thorough process right now and we are adding more on, and we are always looking at whether more is necessary, in terms of our own U.S. refugee vetting.

Senator AYOTTE. Do you think that process can eliminate all risk?

Secretary JOHNSON. The way I like to say it is that in a free, open, and democratic society that has a tradition of humanitarian goodwill, obligations when it comes to refugees, and an immigration heritage, we should welcome, with open arms, people who are in need and who are vulnerable—but we should do so carefully. And, I think the American people understand that in a free and open society, we cannot erase all risk. But, we should do our best at security—while maintaining our values.

Senator AYOTTE. Thank you, Secretary Johnson. To me—I fully support ensuring that we are a vibrant country of immigrants, something that I have been supportive of—including productive immigration reform and border security. But, I respectfully disagree with you on the risk factor, as I hear what our intelligence officials have been saying, with the risks and a strategy from ISIS to actually try to purposely infiltrate the flow of refugees.

I want to thank you for your work and thank all of those that serve underneath you. I mean, we all travel so much and are very appreciative of those who serve underneath you, because they do very important work for our Nation.

Secretary JOHNSON. Thank you.

Chairman JOHNSON. Senator Ernst.

OPENING STATEMENT OF SENATOR ERNST

Senator ERNST. Thank you, Mr. Chairman.

Thank you, Secretary, for being with us today, and I just want to mention that I do certainly appreciate the work that you and

your employees have done, as well. I think you provide such a valuable service to all of us.

I would like to take a minute just to discuss an issue that has arisen in Iowa, and it is affecting many of our levee districts across the Missouri River, as it relates to accreditation under the National Flood Insurance Program (NFIP). And, as you may know, the accreditation and certification of a river levee is very desirable for communities and property near the river, because it ultimately affects the affordability of their flood insurance rates.

And, I understand that FEMA's involvement in this process is to review and accept certification provided by a party that is seeking accreditation on a levee on a flood insurance rate map, providing 100-year protection. But, the cost of the certification is really creating havoc for a number of these communities in my State.

So, my questions on this are: first, in FEMA's eyes, how is a rural community with almost no tax base—in my particular area of Southwest Iowa, we have just a handful of families that live and farm in these levee districts and they are supposed to pay for—at a minimum—a million-dollar evaluation by a professional engineer. This is not good news for a number of these families, and I do not know how they can reasonably accomplish accreditation when it is so costly for these families. So, I am not sure if you have ideas on how these rural communities can pay for those.

And, second, why is it that FEMA has different levee certification standards than the Army Corps of Engineers (USACE) when it comes to reviewing the effectiveness of a levee? And, I will stop right there and see if you have any thoughts on that, but there seems to be some inconsistency between FEMA and USACE. There is a memorandum from 2014 that lays out how they are supposed to work together, but, from what I understand from the exchanges of e-mails, this communication process is not happening or is not working.

So, one, it is a big shock, the cost of levee certification, and your thoughts on that, please?

Secretary JOHNSON. Senator, my overall view NFIP is that it should be solvent, but also affordable. I cannot comment specifically on the cost of certification and its affordability, particularly, with regard to the rural communities you spoke of in Iowa, but I am happy to look into that and get back to you, specifically, on your question.

I do not have an explanation for you, in terms of the different methodology that may exist between FEMA and the Army Corps of Engineers, but I am happy to look into it.

Senator ERNST. OK. I think that would be important, because it is not just in rural Iowa where this is happening. This is all across the United States. And flood mapping is a big deal. And, what we are running across in some of these areas, even, is what I have heard from some of my constituents—and I know this is true of other places, as well—that the cost of their flood insurance, their premiums—monthly premiums—are starting to edge up toward what their monthly home mortgage costs are. And, you have to remember that we have very economically challenged areas and it is all they can do to pay their mortgage—and then to double that

with flood insurance costs—some of them are simply walking away from their homes, and this is a very sad situation.

So, if you could provide us information about that, it would be helpful, or if you could offer a way that we can do better and find alternatives for these families.

Secretary JOHNSON. Yes.

Senator ERNST. Next question. According to a recent article in Bloomberg, DHS suffered over 100 spills of classified information last year. While I understand that a spill is not quite the same thing as a leak, both forms of mishandling information in the Federal Government really do concern me. So, what are your feelings on this and what are we doing to address these types of situations?

Secretary JOHNSON. My view is that DHS, given our cybersecurity mission, should be a model for other Federal agencies and departments. I am familiar with that article. I know that our cybersecurity experts and our Intelligence and Analysis Directorate are focused on addressing spills. My recollection is that the article was not accurate in all respects.

Senator ERNST. OK.

Secretary JOHNSON [continuing]. I would be happy to identify that for you.

Senator ERNST. Yes. If you can clarify, that would be great.

Secretary JOHNSON. OK.

Senator ERNST. I appreciate it. No, I do appreciate it, and again, thank you for your very good work out there.

Secretary JOHNSON. Thank you.

Senator ERNST. And to all of your employees, as well.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator Ernst.

I have been cranking through some numbers here.

Secretary JOHNSON. OK.

Chairman JOHNSON. I got your sheet on unaccompanied children.

Secretary JOHNSON. Yes.

Chairman JOHNSON. The big difference here is you are including all unaccompanied children, including from Mexico—

Secretary JOHNSON. Yes.

Chairman JOHNSON [continuing]. And I was talking about unaccompanied children from Central America, which is the big problem. So, let us just kind of step through this, because it is important. This affects your budget.

Secretary JOHNSON. Yes.

Chairman JOHNSON. In your budget, you are basically budgeting for 75,000 unaccompanied children from all sources, correct?

Secretary JOHNSON. Yes.

Chairman JOHNSON. If you take a look at 2014, again, the crisis year, correct?

Secretary JOHNSON. Yes.

Chairman JOHNSON. We can put the chart back up there. That was, in total, about 68,631 unaccompanied children. This is only for Central America. It just kind of gives you a—year to date, we are 10 percent above the 2014 numbers.

Secretary JOHNSON. I am sorry, Mr. Chairman.

Chairman JOHNSON. I am dealing with your numbers right now, which includes Mexicans.

Secretary JOHNSON. 68,541 is what I have.

Chairman JOHNSON. Right. Exactly.

Secretary JOHNSON. OK.

Chairman JOHNSON. For the entire year.

Secretary JOHNSON. Yes.

Chairman JOHNSON. Year to date, in 2016, we are at 23,553.

Secretary JOHNSON. Yes.

Chairman JOHNSON. Year to date, in 2014, was 21,403. So, if you include all unaccompanied children, we are up 10 percent, which would imply that we are going to be 10 percent over 68,000. That is about 75,000. Now, that is including Mexican children, as well.

Mexico is four times the population of Central America, and yet, Mexican unaccompanied children encompass somewhere between 20 to 25 percent of the problem. So, that is why I isolate unaccompanied children from Central America—because we treat them differently. I am trying to figure out the best way to address this problem. What is the best way to reduce the flow? We have to take a look at the incentives, which, of course, you see Deferred Action on Childhood Arrivals (DACA) is one of them. The length of the adjudication process under the Feinstein Amendment is one of them. Another, is the fact that, when unaccompanied children from Central America get here, they are apprehended, they are processed, they are dispersed, and they basically stay, correct?

So, again, the point I am trying to make is I think there ought to be alarm bells ringing right now, because, in the first 4 months, with just unaccompanied children from Central America, we are up 49 percent over the first 4 months in 2014—when it was a crisis. We are up 49 percent, which would imply, again, when you run the numbers out, about 77,000 unaccompanied children from just Central America, if that will hold.

Now, I see February's numbers. I have backed out my assumption because it has been very consistent. We have had about a thousand unaccompanied children from Mexico the first 4 months. So, if I assume it's 1,000 for February, I can come up with a number and we are still 28.5 percent ahead of 2014, which would imply 66,000 unaccompanied children, from just Central America, compared to 51,000.

So, again, my point being is, in the first 4 or 5 months of data, alarm bells ought to be ringing. The crisis has not been averted. It is not getting better. It is getting worse, even over 2014. Yes, it came down in 2015, but the early indications of the first 4 or 5 months of 2016 is it is going to be worse than 2014—and that is my point. It is obviously going to affect your budget.

And, I think the reason it is not a crisis—and here is what concerns me—is, again, because of the great efforts of CBP and your organization, we have gotten very good—very humane—at processing and dispersing. And, as I said earlier, in the hearing that Senator Portman had on the situation in Columbus, this is not a really humane situation when we disperse and we just kind of forget about them.

So, again, are you acknowledging the fact that this is still an enormous problem and we are not—

Secretary JOHNSON. Yes, absolutely.

Chairman JOHNSON [continuing]. From my standpoint, addressing the root cause—and our public policy ought to be: what can we do to stem the flow? Not to figure out how we can more efficiently process and disperse, but how do we address the incentives that are incentivizing people to come here?

Secretary JOHNSON. Yes—a couple of things—and I hope you do not mind if I exceed the 36 seconds.

Chairman JOHNSON. Sure. We are here by ourselves.

Secretary JOHNSON. Correct.

Chairman JOHNSON. There is no clock.

Secretary JOHNSON. First of all, nobody in DHS, CBP, ICE, or HHS is feeling as if a crisis has been averted. Whether it is 75,000, 68,000, or 39,000, that is a whole lot of kids and that creates a real problem for us. It overwhelms my resources, HHS's resources, and taxes a lot of other resources.

I do think that the comparison to 2014 is imperfect in that there is a certain trend that existed in 2014 that does not exist in 2016. The numbers in January and February of 2014 were considerably higher than the numbers in January and February of 2016. Now, having said that, much of this is seasonal, so I think we have to assume that March is going to be higher than February, and April is probably going to be higher than March. And May, June, and July will probably do what they typically do. So, we have to assume that we are not going to see numbers as low as 3,100 for the rest of this fiscal year, which is why our budget request assumes 75,000 UACs in 2016.

Now, I agree with you that you can put a lot of border security on this effort to deal with kids who are not seeking to avoid capture, and there is only so much you can do by way of border security and immigration enforcement. However, I do believe that it is important that people in Central America see that people are being repatriated back to Central America, which is why we have been very visible about our efforts in recent months.

And I do agree with you, Chairman, that the underlying factors have to be addressed. I am pleased that Congress appropriated \$750 million for Central America and I am impressed with the new President of Guatemala, Jimmy Morales. I hope you had a chance to meet him when he was here a couple of weeks ago. He is a dynamic leader in Guatemala and I am hoping, and I have some optimism for that country, given the new leadership there.

But, we have to do more and we are seeking to do more to help those in Central America with their border security, through training programs and the like—through vetting programs. We have to do more in Central America, which is the heart of the problem.

Just in my 26 months in office, I have learned that, as long as you have powerful underlying push factors—poverty, violence, drought, and the like—there is only so much border security that you can accomplish—whether it is more personnel or more walls—to deal with people who are motivated to leave their homes and travel thousands of miles to come here.

Chairman JOHNSON. But, we create an awful lot of pull factors here, and that is the whole purpose of that chart. DACA was a pretty tremendous pull factor. The fact that we grant lengthy adju-

dication processes, and they learn the term, “credible fear,” and, all of a sudden, we are not sending them back.

Secretary Chertoff, when we had a flow—what, in 2008?—in 2006, from Brazil, started sending people back immediately. The flow stopped.

We were in Guatemala and Honduras. We met with the President-elect, which he was at that point in time. I also met with the President when he just came here—what was it last week or 2 weeks ago? We actually saw a repatriation of illegal immigrants from Guatemala when they returned to the airport. And, during the reorientation speech, and this is a paraphrase translated to me, the Guatemalans were told, quote, “It does not matter how poor, how rich, big, or small your country is. This is still your motherland. Remember that you have to love your country. Please consider that before attempting to leave for the United States.”

The room of about 136 Guatemalans, who had just been repatriated, erupted into applause. The reprocessing center was very modern. We had non-governmental agencies (NGOs) ready to help them. There was a phone bank. There was one minor. He was separated from the group of adults and with their form of child protective services (CPS).

So, we talk about these push factors. The President of Honduras asked us, “please, fix the ambiguity in your laws that are encouraging our citizens to leave our country.” Let us face it. This is the United States of America. I do not know how many people from around the world want to come here, but there are literally hundreds of millions—if not billions—of people who would like to be in America, but we cannot accept them all. It has to be a legal process, and we have to look at the incentives we create in our own laws that are the pull factors, because there are push factors all over the world and we really have to deal with what we can actually deal with here.

Those countries are beautiful countries, but as long as we have this insatiable demand for drugs, the farmers in Central America will make 50 times what they can make on normal crops by selling poppies. And, they do not have to deliver it anywhere. They come pick it up.

And, Senator Carper was saying the same thing. From our 14 hearings on border security and our 100-page report, the conclusion I came to is that the root cause, among many, of our unsecured border is our insatiable demand for drugs. It is causing so many other problems, as well.

So, that is my only point, let us look at this very clear-eyed. Let us acknowledge the reality. Let us take a look at policies that we have enacted, over multiple administrations, and just acknowledge the fact that these things are not working and we really have to look at what we can do ourselves. We have to state, from my standpoint, what should be the goal of our policies: what we can do to stem the flow, as opposed to what we are doing right now in your budget—and again, you have done a very good job with great humanity. What DHS did in the throes of that initial crisis in 2014 was pretty extraordinary. But, that is not the solution, bottom line.

You can comment. I have a couple of questions as long as—
Secretary JOHNSON. Well, let me make something—

Chairman JOHNSON. Sure.

Secretary JOHNSON. Let me say a couple of things. First, I agree with what Secretary Chertoff told you, because he told me the same thing about the situation in 2006. And, I share his view that illegal migration is very market sensitive. It reacts to information in the marketplace about what is going on and what you can expect to happen after you pay a coyote \$6,000 and you have migrated all the way up here.

And, so, that is why, to the consternation and unhappiness of many, I have been very public about our enforcement efforts. Our enforcement efforts, just this fiscal year—the first 5 months of this fiscal year—with regard to Central America—after all of these people go through the “credible fear” process, having their claim heard in Immigration Court, and having the appeals run and so forth—just this fiscal year, we have sent back 28,000 people to Central America. Nobody is sitting on their hands. We have sent back 28,000 people to Central America.

Chairman JOHNSON. Let me ask, out of how many that—

Secretary JOHNSON. On average, 14 flights a week. So, people are being sent back routinely.

Chairman JOHNSON. But, out of how many that have come? Again, we are talking about unaccompanied children. You are talking about almost all adults—

Secretary JOHNSON. Most of them are adults.

Chairman JOHNSON. So, what is the total that have come in? The 28,000 is what percent of the total?

Secretary JOHNSON. The total number who have come in just this fiscal year, sure, exceeds that 28,000 number, because a lot of them go through the litigation of their asylum claims. As you know, that takes months and months. The Department of Justice (DOJ) has a limited number of immigration judges to hear these claims. But, once we have gone through that process, I am sending people back as quickly as I can.

Chairman JOHNSON. And, listen, I understand the political heat. You have done that and I appreciate that fact. But, again, do you know the total number that have come in—what the estimate is?

Secretary JOHNSON. Since when?

Chairman JOHNSON. Just for the year. I mean, if you sent back—I mean, in the same period. If you are saying you have sent back 28,000, that is out of how many that came into this country illegally that we know of?

Secretary JOHNSON. Well, so far this fiscal year, there have been 152,000 apprehensions on our Southern Border—152,000 apprehensions. That is not—

Chairman JOHNSON. And, again, there is a dispute over how many get by without us knowing about it, so, I mean, it is still—

Secretary JOHNSON. That is one of the reasons why I think you and I are both interested in developing better border metrics.

Chairman JOHNSON. Correct, and I appreciate that.

Secretary JOHNSON. Right. So, it is a larger number, without a doubt. And, presumably, all of these people have—are in deportation proceedings at one stage of the process or another, but, as you know, it is a time consuming process. But, we are, in fact, routinely

sending hundreds and thousands of people back to Central America and I have kind of made a big deal about that.

Chairman JOHNSON. Right. But, again, I think one of the reasons we only have a thousand Mexican unaccompanied children is because we can send them back right away, and so there is just—it is just easier to do it and so there is less incentive. But, let me turn it over to Senator Carper—

Secretary JOHNSON. Mexico is a different—it is a different situation, too. It is not quite the same situation.

Chairman JOHNSON. No, it is all complex. Senator Carper.

Senator CARPER. Finish that sentence. Just follow up and just finish your sentence about how Mexico is a different situation—just briefly, please.

Secretary JOHNSON. Well, the economy is better, as you know, Senator. The push factors are not the same. They are different. Mexico is a much different country from, say, 15 years ago, when the numbers of illegal migrants coming from there were far, far greater. And, so, I think it is notable that, though our economy is improving, the number of apprehensions on our Southern Border is a fraction of what it used to be—thanks to the investments we and the Congress have made in border security over the last 15 years.

Could we do better? Absolutely. Are we concerned about another spike? We have to prepare for it and we are concerned about that, absolutely. Nobody is popping champagne corks. Just yesterday, I had a meeting with the Secretary of HHS on this problem, to try to anticipate what could be the worst again.

But, as I said, I do not think 2014 is a perfect comparison. I think the trend lines are a little different. But, still, we can assume we are going to see seasonal migration trending up again.

Senator CARPER. OK.

Secretary JOHNSON. That is absolutely the case.

Senator CARPER. Thank you. The other thing that is different with Mexico, they have a—I am tempted to call it a vibrant middle class. They have a middle class, today, that they did not have 20 years ago, and part of that, I think, could be attributable to the North American Free Trade Agreement (NAFTA) and other things, as well. They are a strong trading partner with us. They still have—we have, God knows, we still have problems with rule of law in this country, and they certainly have their challenges, in Mexico, in that regard.

But, the folks that are coming out of Guatemala, Honduras, and El Salvador—the Secretary has been down there and the Chairman and I have been down there—if we lived down in those countries and were trying to raise our families, we might want to try to get out, too—or at least get them to a safer place.

OK. Cybersecurity. I know we talked a little bit about that. Over the last several years, we have talked about it a lot, and we have actually done very good work in an earlier Congress with Tom Coburn passing legislation that made real the Cyber Ops Center, well known as the National Cybersecurity Communications Integration Center (NCCIC), which provided greater hiring flexibility and enhanced your ability to hire the kind of cyber warriors that you need and to retain them.

And, the other piece is to try to reconcile the difference between the responsibilities of the Department of Homeland Security and the Office of Management and Budget (OMB), with respect to protecting our “dot-gov” domain and doing that in a thoughtful way. Also, to move away from some kind of, like, paperwork drill system to actually a real-time system, where we actually are able to respond on a real-time basis—not, like, a year after an intrusion.

But, we are happy with all of that. We have provided funding, as you know, for all of that. And you now have had an opportunity to begin hiring cyber warriors. How is it going?

Secretary JOHNSON. First of all, thank you to both of you for taking on this complex subject and pushing out a really good bill last year. Thank you also for the cyber legislation we got in 2014 that gives us additional hiring authorities.

We are competing in a tough marketplace against the private sector, which is in a position to offer a lot more money. Suzanne Spaulding and her people are making very aggressive efforts to, first, implement the 2014 legislation you passed, and, second, in the interim, to do a lot of things in terms of recruitment, expediting the hiring process, and so forth. We need more cyber talent, without a doubt, in DHS and in the Federal Government, and we are not where we should be right now. That is without a doubt.

Senator CARPER. Let me just interrupt you. Phyllis Schneck, who is one of your top cyber people, she came out of the private sector, went to Georgia Tech—

Secretary JOHNSON. Yes.

Senator CARPER [continuing]. But came out of the private sector. I am sure she was very well compensated, and she gave it up in order to come to work at the Department of Homeland Security.

Secretary JOHNSON. I am familiar with the phenomenon, yes.

Senator CARPER. Yes. And the reason why, when I talked to her about it, was that she felt an obligation, or a desire, to give back to her country. And, it is all well and good that cyber warriors work for other companies or businesses and so forth, but, in this case, there is something to be said for appealing to people’s sense of patriotism—and I think that is one of the things that draws her. And, that is a calling card, if you will, that we can use—and I am sure that we do.

Let me just follow up by saying, I think there is a 30 percent increase in the President’s proposed budget for next year for the Department’s cybersecurity programs. Some of these monies will be used to help expand Einstein so that, basically, all Federal agencies are using not just Einstein 1 and 2, but also Einstein 3, intrusion detection system, across the board—as well as to bring in the new personnel that we talked about for your cyber ops.

How does the budget support implementation of the cybersecurity information sharing legislation that was enacted last year? We worked on it together, and got great support from the Administration, from the President. But, how does the budget support implementation of our information sharing bill that was enacted and signed into law last December?

Secretary JOHNSON. The short answer is through further investments in maintaining our technology and building upon what we have. Further investments in the Einstein system. Further invest-

ments in the Continuous Diagnostics and Mitigation (CDM). The legislation specifically authorizes DHS to go into other Federal departments and agencies to detect, to monitor, and to block intrusions. It is a good thing that Congress gave us the authority to do that, because we were finding considerable uncertainty to do that in departments and agencies.

One of my top priorities for Federal civilian “dot-gov” cybersecurity while I am still in office is to have E3A in place to block intrusions across our entire Federal civilian system before the end of this year—and I think that is one of the legal mandates in the bill. But, as I have said, Einstein is also a platform for building additional capabilities, so that we are not just going after known intrusions, but also suspected intrusions. There are pilots out there now to do that, and I think we need to build on that for the future.

So, the funding for additional technology implements the legislation that was passed last year.

Senator CARPER. All right. Just a quick question to follow up on encryption, if I could. We hear a lot in the media about Apple and the disagreement that they have with the FBI. It is a serious matter.

Secretary JOHNSON. Yes.

Senator CARPER. And, we have a mass killing in San Bernadino, as we know. I think 14 people were killed by a couple who were radicalized. And, there is a cell phone, an Apple cell phone, that is in question that I think was not owned by the killers, the perpetrators of the violence, but is owned by the county where the husband had actually worked.

We have a role to play here. Some of our colleagues in the House and in the Senate are working on legislation. The Administration has spelled out their own views. I think there are actually some people who do not always speak in one mindset on this issue within the Administration. It is a tough issue.

But, as we consider legislation on this matter, do you have any advice for us?

Secretary JOHNSON. My advice is to ensure that you have the views of all of the stakeholders, from the tech sector, from the intelligence community (IC), and from the law enforcement community—Federal and State. One person who comes to mind, for example, is Cyrus Vance, who is the Manhattan District Attorney (DA). Cy, who is a friend of mine, has been very vocal about the encryption issue from the local law enforcement level and he reminds us that basically any crime that involves communications—not just Federal crimes—is harder to detect because of the encryption issue.

I do believe that there needs to be a readjustment in the pendulum. I think that, in response to the plans of the marketplace, the tech sector has gone a long way toward encryption. But, it has, in fact, created a situation where crime and potential terrorist plottings are harder to detect.

So, I and others do agree that there needs to be a recalibration. I, of course, support the government’s position in the case involving Apple in California. And, so, if we are to grapple with this problem—I think that smart people can solve the problem, but we have

to ensure that all of the stakeholders are represented in that discussion.

Senator CARPER. All right. Well, we will continue to welcome your counsel on this.

One last one, Mr. Chairman, if I could. The Chairman and I, as well as others on our Committee—our staffs—have worked a whole lot to try to put together legislative language authorizing some of the initiatives that comprise, in their entirety, your “Unity of Effort.” Why do you want to leave some of your reforms in place for the next Secretary? And will these reforms help, in some way, to get off of the Government Accountability Office’s (GAO’s) High-Risk List and be able to do the work more effectively?

Secretary JOHNSON. Well, first of all, through our very able Under Secretary, who is sitting right there—

Senator CARPER. What is his name?

Secretary JOHNSON. Russ Deyo.

Senator CARPER. I have heard of him.

Secretary JOHNSON. He is a former client of mine from my private practice days. And through his very able Chief Financial Officer (CFO) and our Deputy Secretary, we have gone a long way in working with GAO to get off of the High-Risk List.

I believe very strongly that a lot of the things we are doing to remove the stovepipes in DHS and have a more strategic approach to budget making, acquisition, and so forth should be institutionalized. It is not just something that should exist while I am in office. I think it will make the Department a better, more effective place for homeland security if we move in the direction of more centralized, more strategic approaches to our homeland security mission. We have been stovepiped for far too long and we need to move toward a model more like the Department of Defense, where you have joint duty, joint task forces, and the like.

There are provisions in the current law that create some limitations on our ability to do that, and I am sure our staffs have spoken to you about that in the current Homeland Security Act (HSA). And, so, the authorization of our “Unity of Effort Initiatives” is something I very, very much support, which includes reforming and restructuring NPPD. I have seen the legislative language that I know your Committee is working through now on a number of these things, and I support that, and I support the good work there.

Senator CARPER. Good. And I think it is fair to say that we support what you are trying to do, as well. Thank you. Thank you so much for joining us today.

Chairman JOHNSON. Thank you, Senator Carper.

I think Senator Sasse may be coming. I still have some questions, as well, so let us kind of step through them.

By the way, I do appreciate you working with me on a border metrics bill and the fact that you recognize that, if we are going to ever secure the borders, we need to understand the situation. So, I hope you will continue to work with us. I would like to get that actually passed and certainly support efforts that you are trying to do within your Department.

Let us talk a little about critical infrastructure. Earlier, I talked about Ted Koppel’s book, “Lights Out.” We held a hearing on this.

We had Dr. Richard Garwin here. We had James Woolsey. The Electromagnetic Pulses (EMP) Commission in 2008 tasked your Department with a number of, I guess, let us call them quick fixes—and GAO basically reported that you have not done a whole lot on that.

We have witnessed the unsolved attack on an electrical substation at Metcalf. You read about the cyber attack on the power grid system in Ukraine. You take a look at the potential of solar storms with geomagnetic disturbances. You take a look at the potential, I mean, obviously, let us look at North Korea, with their ballistic missile technology and nuclear capabilities. I am concerned about Iran. There are reports that they have test fired Scud missiles off of ships—off of shore. These threats are real.

And, I guess, can you just kind of talk about, across the board, critical infrastructure—I would say, particularly, the electrical grid, which is the number 1. When the electricity goes down, the lights go out, and we are in a world of hurt. And, we have these large power transformers that Dr. Richard Garwin, who, by the way, Secretary Moniz, when I was questioning him about this in the Foreign Relations Committee said—again, Dr. Richard Garwin, a real national treasure. Enrico Fermi referred to him as one of the truest geniuses he had ever met.

So, can you just speak about what the Department has done, in terms of the charge you were given based on the 2008 EMP Commission on critical infrastructure, particularly, the electrical grid, but expand it beyond just EMP—Ground-based Midcourse Defense (GMD), cyber attacks, and physical terrorist attacks. Where are we at on these?

Secretary JOHNSON. Better than we were, but there is more to do. I do not agree with everything in Ted Koppel's book, but I think he was right to put a spotlight on the issue.

Since the earthquake in Japan in 2012, there were a lot of lessons learned for the U.S. Government and the private sector critical infrastructure utilities here. And since that, which was sort of a seminal event, we have done a lot more partnering with the private sector—with critical infrastructure—to work with them, sharing best practices and sharing information about the potential for a cyber attack on power grids. And, we do exercises now with them. So, we are in a better place than we were.

There was a DHS team, along with an interagency team, in the Ukraine recently. That was a cyber attack that led to a power failure. We are not, at this point, in a position to attribute it to any particular source, but that was a cyber attack.

Chairman JOHNSON. And highly sophisticated, correct?

Secretary JOHNSON. And, it would appear to have been fairly sophisticated, yes. And, that should be, and must be, a wake-up call for those who have not already been awakened by this problem and this risk.

So, we are working with critical infrastructure all of the time. I have spoken to CEOs of utilities about this problem and they are seizing on this issue, as well. But, there is clearly more to do, Chairman.

Chairman JOHNSON. What is the lead group within your Department looking at this?

Secretary JOHNSON. We have an Assistant Secretary for Infrastructure Protection who is part of this effort, but also our cybersecurity efforts, as well.

Chairman JOHNSON. OK. I want to work very closely with you over the next few months to do whatever we can, legislatively, to work with your Department. This is incredibly important.

I have more questions, but I will turn it over to Senator McCain.

OPENING STATEMENT OF SENATOR MCCAIN

Senator MCCAIN. Thank you very much.

Welcome back, Secretary Johnson. I want to bring up a couple of issues really quickly.

We are terribly short on staffing at our ports of entry on our Southern Border. We passed legislation which would expedite veterans being hired. We have done a number of things. But, we are still—for example, at the Nogales-Mariposa port of entry, we are 20 percent understaffed—well over 100 agents short. So, you see these lanes, these vacant lanes, and traffic stacked up behind it, simply because we do not have the personnel.

It is my understanding it takes about 18 months—and we did pass legislation that would expedite veterans, former military. But, the fact is that we are still not making up for that shortfall, and I am of the view that we need to have some kind of incentive pay or hazardous-duty pay at the ports of entry that experience high traffic flows. I am very interested in your view on that.

Secretary JOHNSON. First, Senator, we are not where we need to be. No argument from me, there. CBP needs to, and is, making aggressive efforts to hire, to bring on people faster, and to get them through the polygraph exams. I fully support the hiring of veterans and making it easier to hire veterans. I understand that you are interested in legislation that deals with pay in these areas and I am happy to look at that with you, sir.

Senator MCCAIN. It is a very tough environment along all of our Southern Border, but also, I would argue, in Arizona, it gets particularly warm, and I can understand how tough a duty it is. And, so, I think that, just as we in the military provide incentive pay for hardship positions, I hope that you would look at that. And, I will be introducing legislation on it, because it is just not sufficient, as you know, when we are 100—well over 100—Customs agents short. There is either something wrong with the level of staffing required or something is wrong with the level of personnel.

I know that you know that there is an epidemic of manufactured heroin, and the deaths from manufactured heroin overdoses have been described by some Governors, including the Governor of New Hampshire, as a, quote, “epidemic.” The heroin that is being transported across the border in Arizona—seizures have increased 223 percent as the drug cartels, obviously, transport and distribute the drug to the United States.

I think it is particularly interesting, now, with the passing of Nancy Reagan—the “Just Say No” to drugs campaign was something that I think we ought to do a lot more of.

But, one, do you agree that heroin drug overdose deaths are skyrocketing?

Secretary JOHNSON. Yes.

Senator MCCAIN. That is just the facts that we get from the Governors. And, is not most of this manufactured heroin coming across through the ports of entry, rather than being smuggled across the border areas, for several reasons? And, what do you propose that we need to combat this problem, which some Governors have described as a, quote, “epidemic”?

Secretary JOHNSON. I agree that most of the heroin that is seized is seized at ports of entry on our Southern Border, as opposed to maritime, for example. That is what the facts and the statistics show.

We have seen greater levels of seizures by Customs and Border Protection and by HSI. We have created a national task force with the Department of Justice to deal with the heroin epidemic, specifically. Part of the joint task force missions that I created 2 years ago—part of our JTF missions, which is modeled, by the way, after the structure we have in Arizona—is the illegal narcotics problem. It is not just migrants—illegal migrants. I want our JTFs to be focused on narcotics, as well.

We are seeing an increase. It is alarming. And, I think this needs to be a National Government effort. Within DHS, we have ICE, HSI, and CBP focused on this problem. And, we are seeing seizures at higher levels, without a doubt.

Senator MCCAIN. But it also seems that the problem is increasing—according to these Governors—rather than decreasing. And, I agree, fundamentally. I am in total agreement—it is supply and demand. But, it seems to me that, despite our increase in interdiction, the problem is growing worse. Would you agree with that?

Secretary JOHNSON. Yes, sir.

Senator MCCAIN. Have you got any ideas?

Secretary JOHNSON. I think we need more resources at the Federal Government level, not just DHS, but DOJ and the Drug Enforcement Administration (DEA), and a coordinated, sustained effort to deal with this problem.

Senator MCCAIN. I hope that this Committee and the Congress can get some recommendations from you, because, frankly, I have not seen anything quite like this, when I traveled to New Hampshire and heard the Governor of New Hampshire say it is an epidemic in her State—and throughout the Midwest, as well.

Chairman JOHNSON. Yes.

Senator MCCAIN. And, maybe also some time we ought to talk about demand—but nobody seems to want to discuss that aspect of it, either, and I know that is disappointing to you.

Finally, on the children showing up at the border, is one of the answers increasing our embassy and consulate capabilities in those three countries—El Salvador, Nicaragua, and Guatemala—so that they can go there, rather than showing up on our border?

Secretary JOHNSON. Yes, sir. I agree with that.

Senator MCCAIN. I thank you for the good work that you do, Mr. Secretary. We have some spirited discussions from time to time, but I appreciate the work that you are doing.

Maybe, finally, as Nancy Reagan inaugurated, maybe we ought to be talking a little bit more about trying to address the demand side of this problem, rather than blaming it all on the Mexican car-

tels, who I am glad to blame it on—but there is a demand. Do you agree?

Secretary JOHNSON. I agree, yes. You have to deal with the demand and the supply.

Senator McCAIN. Thank you, Mr. Secretary.

Chairman JOHNSON. Thank you, Senator McCain.

By the way, we mentioned earlier that, I think, the evaluation I have come to in this Committee is that the root cause of our unsecured border literally is our insatiable demand for drugs—and so that is an important component. We are working. We are trying to work on a piece of legislation to address the consulates—to address that.

But, here is an idea in terms of interdicting drugs at the border through ports of entry. We held a hearing—and I know you are busy with the Armed Services Committee—an incredibly interesting hearing. It was on canine units and it really spawned—the red teams and the failure rates, because it is difficult to detect these things. I went to the University of Pennsylvania, where they have a pretty groundbreaking canine training unit. Unbelievable capabilities. In the hearing, certainly, we saw we have not really increased the number of canine units—certainly not within DHS.

I wanted your evaluation. In the layered approach to airport security—this is for bomb sniffing, this is for, potentially, drug sniffing, and all of those issues—do you think it is good to explore the efficacy and maybe the expansion of canine units throughout your different missions—whether it is drug interdiction or whether it is trying to, potentially, sniff out bombs in airports—that type of thing. I am very intrigued by it.

Secretary JOHNSON. There is actually no better technology than a dog's nose for detecting certain types of explosives and prohibited items. And, just in the last 2 years, I have seen us expand the use of canines at the last point of departure airports and domestic airports to look for prohibited items in airports and in and around airplanes. So, I do believe in canine use. It is very effective—in a number of our missions—not just aviation security.

Chairman JOHNSON. But, we have not really increased the numbers. I mean, is that something that you would want to look at increasing—I think it is about 2,500 units, in total, within DHS. I think it was 900 in TSA—or 1,000 in TSA. It has been pretty flat. Do you think it is so effective that we should be looking at expanding that?

Secretary JOHNSON. I think it is worth looking at. I understand you had a hearing exclusively devoted to this not too long ago. Canines are very effective, and one of the things that I was fascinated by when I was in Turkey last week, is that they are not as opposed to the use of canines, there, as one might expect them to be. So, they are embracing this, too. So, I think it is worth looking at, yes.

Chairman JOHNSON. Yes. Well, we will work together on that.

The final thing I will just talk about is what Senator Carper was talking about: personnel in cyber. Happy to work with you there, in terms of what we need to do. Is it, trying to attract people from the private sector to take a 2-year sabbatical and come here—whatever imaginative program we can use to attract those individuals. I have stated, repeatedly, that I am very impressed with the indi-

viduals, like yourself, like Mr. Deyo, and really, like your entire team here—by the quality of the Federal workforce. These people are patriots. They take their mission of keeping this Nation safe seriously, but they also understand the constraints. I am a private sector guy. I know what the private sector will pay for talent and you are constrained there.

So, we are going to have to put our heads together and figure out, what we need to do so that your Department is staffed with the best and the brightest. There are plenty of patriots in America that will do it and will do it at a really great financial sacrifice, so let us try and break down whatever barriers we create, bureaucratically, to resource you.

Secretary JOHNSON. We have terrific career people, but I agree with what Tom said, which is that we ought to appeal to people's sense of patriotism, to, "Hey, how about spending a couple of years serving your country and working for the government in cybersecurity, which will better enable you to get that terrific job later on in the financial sector, in the private sector, or with some terrific cybersecurity firm in Silicon Valley." So, we ought to appeal to people's sense of patriotism.

Chairman JOHNSON. General Electric (GE) has a very imaginative marketing advertising campaign out right now trying to make it really attractive to not go into these apps, but actually to go in and figure out how to make an economy run properly with informational technology. And, we can, maybe, do something similar to that.

But, again, we want to work with you, in terms of what Senator McCain was talking about, with consulates, so that refugees and asylum-seekers can do that within Central America, rather than make the dangerous journey.

We want to work with you, in terms of reducing our insatiable demand for drugs. The passing of Nancy Reagan is an important reminder. That campaign actually worked. We have been very effective at reducing the demand for tobacco. We ought to try the same thing with drugs.

But, again, I want to thank your entire management team. I want to thank you, Mr. Secretary, for coming here, and for all of your efforts. This is not an easy job. This is an enormous challenge, and you are working hard to try and keep this Nation safe and secure. So, thank you for your efforts.

With that, the hearing record will remain open for 15 days, until March 23 at 5 p.m. for the submission of statements and questions for the record.

This hearing is adjourned.

Secretary JOHNSON. Thank you.

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

A P P E N D I X

**Chairman Johnson Opening Statement
“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
Tuesday, March 8, 2016**

As submitted for the record:

I would like to thank Secretary Jeh Johnson for appearing before the committee to discuss the president’s fiscal year 2017 budget request for the Department of Homeland Security (DHS).

Consideration of the department’s budget is an important task for this committee. The economic and national security pressures facing the United States are extraordinary. Today, the national debt stands at \$19 trillion — over 100 percent of our gross domestic product.

Yet threats to the homeland are ever present. Malicious actors seek to undermine us by encouraging homegrown violent extremism, waging cyberattacks, attacking critical infrastructure, and trafficking narcotics and people across the border — to name just a few of the domestic challenges we face.

To address these multiple threats, the department is requesting a total budget authority of \$66.8 billion for FY2017, an increase of \$506.3 million over its FY2016 authority. Of this request, \$47.3 billion would come through appropriations, \$1.9 billion less than what was appropriated in FY2016.

Two key areas, cyber- and border security, have high priority in the budget request.

The department has requested \$745.9 million to continue its implementation of its flagship cybersecurity programs: Einstein and Continuous Diagnostics and Mitigation (CDM). In an example of what Congress can do when we set aside our differences and find areas of common agreement, last December, Ranking Member Carper and I passed important legislation to authorize and improve these programs as part of the Federal Cybersecurity Enhancement Act of 2015.

On border and immigration, the department has provided slightly increased funding for Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

Several new programs in the budget are certainly of interest to the committee. For example, it is vital that we understand how the department is coordinating with other agencies through the new Countering Violent Extremism (CVE) Task Force, and how the new CVE grant program will operate.

Additionally, the Coast Guard has requested \$150 million to accelerate plans for a new heavy icebreaker to operate in the Arctic. We want to ensure this mission is necessary and adequately planned and that funds starting to flow to the new icebreaker acquisition will be spent effectively.

In this tight budget environment, the department has certainly had to make some tradeoffs. As we dive into the budget, I hope the secretary is able to speak to several areas of potential concern for me and the committee.

One issue is the department's decision to raise several fees, primarily at the Transportation Security Administration, by over almost \$1 billion to offset shifts of appropriated funds elsewhere within the department. The TSA would have essentially no direct benefit from the increase. This decision comes at a time when Administrator Neffenger is trying to improve agency operations and security.

The committee also wants to hear more about the department's proposal to reduce federal grants through the Federal Emergency Management Agency by \$642.1 million — cuts that primarily would be made to mitigation and homeland security grants.

Lastly, we want to hear what steps the department will be taking in the coming year to address ongoing management issues in acquisition, human capital and financial management. We would like to understand the department's next steps toward improvement.

Again, I thank the secretary for joining us this morning, and I look forward to our discussion.

Statement of Ranking Member Tom Carper
“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
Tuesday, March 8, 2016

As prepared for delivery:

My thanks to Secretary Johnson for joining us today to discuss the President’s Fiscal Year 2017 budget request for the Department of Homeland Security.

The President has requested \$40.6 billion dollars in discretionary funding for DHS, which is roughly a one percent decrease from the budget enacted last year.

While I am pleased that many vital homeland security missions are funded in this budget request, I do have concerns about several of the proposals and the impact they might have on the Department.

I understand the need to do more with less as part of our efforts to continue to bring our nation’s deficit and debt under control. Making additional progress is critical for the well-being of our nation and our economy. But while doing so, we also need to make sure that the Department has the funds it needs to keep the American people safe against the constantly evolving and growing threats we face as a nation.

I am concerned, for example, by the proposal to cut funding for several homeland security grants. In fact, some grants would be cut by as much as 35 percent. These funds are vital to helping our communities better prepare for major disasters and terrorist attacks. In Boston, for example, homeland security grants were critical to training first responders and preparing the community to respond to the Boston Marathon bombings.

I also have questions about the fee increases proposed in the budget for aviation security. I know that raising these fees has not been popular with some in Congress, but I’ve always felt that if something is worth having, it’s worth paying for. That’s why I’ve supported reasonable fee increases that will help DHS carry out its mission.

However, if Congress doesn’t raise these aviation fees, there will be roughly a \$900 million dollar hole in the budget for TSA. That is deeply concerning. I hope we can all come together and find a sensible solution to this problem.

Despite these areas of concern, there are a number of positive items included in this budget request. For example, there is a sizable investment—over \$1.1 billion dollars—in cybersecurity. This is a 30 percent increase over last year. This new funding will help the Department carry out several laws that this Committee worked hard to pass over the past several years.

For instance, the budget request includes needed increases for Einstein and other cybersecurity tools to better secure our federal networks. There is also funding for additional cyber personnel, as well as for the new information sharing portal that Congress called for creating at DHS.

The proposed budget also continues our recent investments in border security. I was particularly pleased to see increases in funding for valuable ‘force multipliers’ – equipment such as aerostats, airplanes, helicopters, vehicles, boats and surveillance towers – that help our men and women on the ground be more effective.

I was also pleased to see that the budget request continues to make countering violent extremism here at home a high priority by funding the Office of Community Partnerships. Last month, this Committee successfully marked up my legislation that would codify this office. I look forward to working with you, Mr. Secretary, and the Director of the office, George Selim, as well as my colleagues, to advance this important bill through the Senate.

Finally, I’ve also been quite encouraged to see funding for the ongoing consolidation of the Department’s Headquarters at St. Elizabeths. Completing this project will ultimately save the taxpayer more than \$700 million over the next 30 years by cutting down the number of costly leases we use today to house DHS personnel.

Mr. Secretary, I’d like to close by recognizing your leadership, along with that of your Deputy Secretary, Ali Majorkas, as well as the efforts of your senior staff and rank-and-file DHS employees, in support of your Unity of Effort initiatives.

Along with the members of our committee staff, the Chairman and I are working diligently to move legislation that would codify a number of your proposed reforms.

I look forward to hearing more today about how we can work together to ensure the Department has the tools, resources, and authorities it needs to grow stronger and work more effectively.

Thank you again for joining us here today and for your extraordinary service to our country.

Prepared Testimony on
“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
Secretary of Homeland Security Jeh Charles Johnson
Senate Homeland Security & Governmental Affairs Committee
March 8, 2016

Introduction

Chairman Johnson, Ranking Member Carper, and members of the committee, thank you for the opportunity to be here.

The President’s FY 2017 budget request for the Department of Homeland Security reflects hard choices to fit within the caps established by the bipartisan budget agreement of 2015, but, at the end of the day, it funds all of our vital homeland security missions in these challenging times.

The President’s FY 2017 budget request calls for \$40.6 billion in appropriated funds (compared to \$41 billion currently in FY2016) but an increase in total spending authority to \$66.8 billion (compared to \$64.8 billion currently in FY2016). Total workforce requested is 229,626, compared to 226,157 in FY2016, accompanied by an overall workforce pay raise of 1.6%.

Like this year, the President’s budget requests \$6.7 billion to finance the cost of major disasters in FEMA’s disaster relief fund, and the ability to collect fees of \$19.5 billion (compared to \$17.1 billion this year).

As I said before, the President’s budget request funds our vital homeland security missions. Our request includes:

- \$5.1 billion for transportation screening operations, including increased screening personnel, to ensure the security of our airways, a \$100 million increase;
- \$1.6 billion, an increase of over \$200 million, to fund our vital cybersecurity mission, including increased investments in the Continuous Diagnostic Mitigation program;
- \$1.9 billion for the Secret Service, which is the same as enacted in FY 2016, to protect our national leaders, fight cyber-crime, and support increased hiring;
- \$319 million to cover costs associated with unaccompanied children and families;
- \$1.1 billion for recapitalization of the U.S. Coast Guard’s assets, including a sizable investment in the Nation’s future arctic capability; and

- \$226 million for continued investment in the construction of a future DHS headquarters at St. Elizabeth's.

Management Reform

Like last year, reforming the way in which the Department of Homeland Security functions and conducts business, to more effectively and efficiently deliver our services to the American people, is my overarching objective for 2016. We've done a lot in the last two years, but there is still much we will do. There are still too many stove pipes and inefficiencies in the Department.

My goal as Secretary is to continue to protect the homeland, and leave the Department of Homeland Security a better place than I found it.

The centerpiece of our management reform has been the Unity of Effort initiative I announced in April 2014, which focuses on getting away from the stove pipes, in favor of more centralized programming, budgeting, and acquisition processes.

We have already transformed our approach to the budget. Today, we focus Department-wide on our mission needs, rather than through component stove-pipes. With the support of Congress, we are moving to a simplified budget structure that will support better decision-making across the Department.

We have transformed our approach to acquisition. Last year I established a DHS-wide Joint Requirements Council to evaluate, from the viewpoint of the Department as a whole, a component's needs on the front end of an acquisition.

We have launched the "Acquisition Innovations in Motion" initiative, to consult with the contractor community about ways to improve the quality and timeliness of our contracting process, and the emerging skills required of our acquisition professionals. We are putting faster contracting processes in place.

We are reforming our human resources process. We are making our hiring process faster and more efficient. We are using all the tools we have to recruit, retain and reward personnel.

As part of the Unity of Effort initiative, in 2014 we created the Joint Task Forces dedicated to border security along the southern border. Once again, we are getting away from the stove pipes. In 2015, these Task Forces became fully operational. In 2016, we are asking Congress to officially authorize them in legislation.

We are achieving more transparency in our operations. We have staffed up our Office of Immigration Statistics and gave it the mandate to integrate immigration data across the Department. Last year, and for the second year in a row, we reported our total number of repatriations, returns and removals on a consolidated, Department-wide basis.

The long-awaited entry/exit overstay report was published in January, providing a clearer picture of the number of individuals in this country who overstay their visitor visas. It reflects that about 1% of those who enter the country by air or sea on visitor visas or through the Visa Waiver Program overstay.

We are working with outside, non-partisan experts on a project called BORDERSTAT, to develop a clear and comprehensive set of outcome metrics for measuring border security, apprehension rates, and inflow rates.

Since 2013 we've spearheaded something called the "DHS Data Framework" initiative. For the protection of the homeland, we are improving the collection and comparison of travel, immigration and other information against classified intelligence. We will do this consistent with laws and policies that protect privacy and civil liberties.

We want to restructure the National Protection and Programs Directorate from a headquarters element to an operational component called the "Cyber and Infrastructure Protection" agency.

Finally, we will improve the levels of employee satisfaction across the Department. We've been on an aggressive campaign to improve morale over the last two years. It takes time to turn a 22-component workforce of 240,000 people in a different direction. Though the overall results last year were still disappointing, we see signs of improvement. Employee satisfaction improved in a number of components, including at DHS headquarters.

This year we will see an overall improvement in employee satisfaction across DHS.

Counterterrorism

In 2016, counterterrorism will remain the cornerstone of the Department of Homeland Security's mission. The events of 2015 reinforce this.

As I have said many times, we are in a new phase in the global terrorist threat, requiring a whole new type of response. We have moved from a world of terrorist-directed attacks to a world that includes the threat of terrorist-inspired attacks – in which the terrorist may have never come face to face with a single member of a terrorist

organization, lives among us in the homeland, and self-radicalizes, inspired by something on the internet.

By their nature, terrorist-inspired attacks are harder to detect by our intelligence and law enforcement communities, could occur with little or no notice, and in general makes for a more complex homeland security challenge.

So, what are we doing about this?

First, our government, along with our coalition partners, continues to take the fight militarily to terrorist organizations overseas. ISIL is the terrorist organization most prominent on the world stage. Since September 2014, air strikes and special operations have in fact led to the death of a number of ISIL's leaders and those focused on plotting external attacks in the West. At the same time, ISIL has lost about 40% of the populated areas it once controlled in Iraq, and thousands of square miles of territory it once controlled in Syria.

On the law enforcement side, the FBI continues to do an excellent job of detecting, investigating, preventing, and prosecuting terrorist plots here in the homeland.

As for the Department of Homeland Security, following the attacks in Ottawa, Canada in 2014, and in reaction to terrorist groups' public calls for attacks on government installations in the western world, I directed the Federal Protective Service to enhance its presence and security at various U. S. government buildings around the country.

Given the prospect of the terrorist-inspired attack in the homeland, we have intensified our work with state and local law enforcement. Almost every day, DHS and the FBI share intelligence and information with Joint Terrorism Task Forces, fusion centers, local police chiefs and sheriffs.

In FY 2015 we provided homeland security assistance to state and local governments around the country, for things such as active shooter training exercises, overtime for cops and firefighters, salaries for emergency managers, emergency vehicles, and communications and surveillance equipment. We helped to fund an active shooter training exercise that took place in the New York City subways last November and a series of these exercises earlier this month in Miami. Last month we announced another round of awards for FY 2016 that will fund similar activities over the next three years.

As I said at a graduation ceremony for 1,200 new cops in New York City in December, given the current threat environment, it is the cop on the beat who may be the first to detect the next terrorist attack in the United States.

We are also enhancing information sharing with organizations that represent businesses, college and professional sports, faith-based organizations, and critical infrastructure.

We are enhancing measures to detect and prevent travel to this country by foreign terrorist fighters.

We are strengthening our Visa Waiver Program, which permits travelers from 38 different countries to come here without a visa. In 2014, we began to collect more personal information in the Electronic System for Travel Authorization, or “ESTA” system, that travelers from Visa Waiver countries are required to use. As a result of these enhancements, over 3,000 additional travelers were denied travel here in FY 2015.

In August 2015, we introduced further security enhancements to the Visa Waiver Program.

Through the passage in December of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, Congress has codified into law several of these security enhancements, and placed new restrictions on eligibility for travel to the U.S. without a visa. We began to enforce these restrictions on January 21. Waivers from these restrictions will only be granted on a case-by-case basis, when it is in the law enforcement or national security interests of the United States to do so. Those denied entry under the Visa Waiver Program as a result of the new law may still apply for a visa to travel to the U.S.

Last month, under the authority given me by the new law, I also added three countries – Libya, Yemen and Somalia – to a list that prohibits anyone who has visited these nations in the past five years from traveling to the U.S. without a visa.

We are expanding the Department’s use of social media for various purposes. Today social media is used for over 30 different operational and investigative purposes within DHS. Beginning in 2014 we launched four pilot programs that involved consulting the social media of applicants for certain immigration benefits. USCIS now also reviews the social media of Syrian refugee applicants referred for enhanced vetting. Based upon the recent recommendation of a Social Media Task Force within DHS, I have determined, consistent with relevant privacy and other laws, that we must expand the use of social media even further.

CBP is deploying personnel at various airports abroad, to pre-clear air travelers before they get on flights to the United States. At present, we have this pre-clearance capability at 15 airports overseas. And, last year, through pre-clearance, we denied boarding to over 10,700 travelers (or 29 per day) seeking to enter the United States. As I

said here last year, we want to build more of these. In May 2015, I announced 10 additional airports in nine countries that we've prioritized for preclearance.

For years Congress and others have urged us to develop a system for biometric exit – that is, to take the fingerprints or other biometric data of those who leave the country. CBP has begun testing technologies that can be deployed for this nationwide. With the passage of the omnibus bill, Congress authorized up to \$1 billion in fee increases over a period of ten years to pay for the implementation of biometric exit. I have directed that CBP begin implementing the system, starting at top airports, in 2018.

In January, I announced the schedule for the final two phases of implementation of the REAL ID Act, which goes into effect two and then four years from now. At present 23 states are compliant with the law, 27 have extensions, and 6 states or territories are out of compliance. Now that the final timetable for implementation of the law is in place, we urge all states, for the good of their residents, to start issuing REAL ID-complaint drivers' licenses as soon as possible.

In the current threat environment, there is a role for the public too. "If You See Something, Say Something"™ must be more than a slogan. We continue to stress this. DHS has now established partnerships with the NFL, Major League Baseball and NASCAR, to raise public awareness at sporting events. An informed and vigilant public contributes to national security.

In December we reformed "NTAS," the National Terrorism Advisory System. In 2011, we replaced the color-coded alerts with NTAS. But, the problem with NTAS was we never used it, it consisted of just two types of Alerts: "Elevated" and "Imminent," and depended on the presence of a known specific and credible threat. This does not work in the current environment, which includes the threat of homegrown, self-radicalized, terrorist-inspired attacks. So, in December we added a new form of advisory – the NTAS "Bulletin" – to augment the existing Alerts. The Bulletin we issued in December advises the public of the current threat environment, and how the public can help.

Finally, given the nature of the evolving terrorist threat, building bridges to diverse communities has become a homeland security imperative. Well informed families and communities are the best defense against terrorist ideologies. Al Qaeda and the Islamic State are targeting Muslim communities in this country. We must respond. In my view, this is as important as any of our other homeland security missions.

In 2015 we took these efforts to new levels. We created the DHS Office for Community Partnerships, headed by George Selim. George and this office are now the central hub for the Department's efforts to counter violent extremism in this country, and

the lead for a new interagency CVE Task Force that includes DHS, DOJ, the FBI, NCTC and other agencies.

Funding is included in the President's budget request to support these counterterrorism efforts in the following key areas:

- \$2 billion requested in total grants funding will prepare state and local governments to prevent, protect against, mitigate, respond to, and recover from incidents of terrorism and other catastrophic events. These funds also include Firefighter and Emergency Management Performance Grants that support local first responders in achieving their missions and \$50 million for Countering Violent Extremism grants for emergent threats from violent extremism and from complex, coordinated terrorist attacks.
- \$292 million sustains U.S. Customs and Border Protection (CBP) targeting programs, which includes support for the National Targeting Centers (NTC) for passengers and cargo. The NTCs effectively target and interdict inadmissible high-risk passengers, cargo and agriculture/bioterrorism threats before reaching U.S. ports of entry. And, the newly established Counter Network Program will expand CBP's partnerships to exchange information and coordinate actions to identify, disrupt, and dismantle illicit networks and associated organizations.
- \$197.5 million to sustain inspection and enforcement efforts abroad, which include the Immigration Advisory Program, created by CBP in 2004 to prevent terrorists and high-risk or improperly-documented travelers from boarding commercial aircraft destined for the United States. This investment also funds Preclearance operations. In addition to improving CBP's ability to protect the American homeland by extending our borders and preventing terrorists from gaining access to the United States, Preclearance relieves congestion at U.S. "gateway" airports and opens up new destinations for international flights.
- \$103.9 million to purchase radiological and nuclear detection equipment, an increase of \$14 million over funding appropriated in 2016, enabling the proposed new CBRNE Office (a combination of Office of Health Affairs and Domestic Nuclear Detection Office) and the U.S. Coast Guard, CBP, and TSA, to keep U.S. ports of entry safe and secure by detecting and interdicting illicit radioactive or nuclear materials.
- \$81.9 million sustains the BioWatch program to provide detection and early warning of the intentional release of select aerosolized biological agents in more than 30 jurisdictions nationwide.

- \$79.9 million sustains Infrastructure Security Compliance funding to secure America's high-risk chemical facilities through systematic regulation, inspection, and enforcement under the authority of the Chemical Facility Anti-Terrorism Standards.

Aviation Security

We are taking aggressive steps to improve aviation and airport security.

Since 2014 we have enhanced security at overseas last-point-of-departure airports, and a number of foreign governments have replicated those enhancements.

As many of you know, in May of last year a classified DHS Inspector General's test of certain TSA screening at eight airports, reflecting a dismal fail rate, was leaked to the press. I directed a 10-point plan to fix the problems identified by the IG. Under the new leadership of Admiral Pete Neffenger over the last six months, TSA has aggressively implemented this plan. This has included "back to basics" retraining for the entire TSO workforce, increased use of random explosive trace detectors, testing and re-evaluating the screening equipment that was the subject of the IG's test, a rewrite of the standard operating procedures manual, increased manual screening, and less randomized inclusion in Pre-Check lanes. These measures were implemented on or ahead of schedule.

We are also focused on airport security. In April of last year TSA issued guidelines to domestic airports to reduce access to secure areas, to require that all airport and airline personnel pass through TSA screening if they intend to board a flight, to conduct more frequent physical screening of airport and airline personnel, and to conduct more frequent criminal background checks of airport and airline personnel. Since then employee access points have been reduced, and random screening of personnel within secure areas has increased four-fold. We are continuing these efforts in 2016. In early February, TSA issued guidelines to further enhance the screening of aviation workers in the secure area of airports.

I am particularly proud of the newly established TSA Academy housed by the Federal Law Enforcement Training Centers in Glynco, Georgia. All new TSOs are now receiving two-week training on how to screen for threats. DHS has built a full-scale representation of an airport screening station for students to use as they are taught how to serve the traveling public, interpret x-ray machine images, and check bags for dangerous materials or weapons.

In the President's FY2017 budget request, funding is included for aviation security in the following key areas:

- \$3.0 billion to support 42,848 Transportation Security Officers, an increase of \$26.9 million over FY 2016, to ensure effective screening operations while minimizing wait times.
- \$199.8 million for transportation screening technology, enabling TSA to continue improving the capabilities of its checkpoint screening equipment throughout almost 450 airports to better protect against passenger-borne threats, an increase of \$5 million.
- \$116.6 million to provide training for TSA screeners, which supports an increase of \$20 million for new basic training to be provided at the TSA Academy located at the Federal Law Enforcement Training Center in Glynco, Georgia.
- \$84.0 million for TSA's intelligence operations, an increase of \$2.0 million to expand the number of intelligences officers to 87 in frontline facilities that will enhance the effectiveness of checkpoint security screening.
- \$815.3 million to support the continued deployment of Federal Air Marshals (FAMs), \$10 million above the FY 2016 levels. The Federal Air Marshal Service has been subject to a hiring freeze since 2011, and recently completed a new Concept of Operations (CONOPS) detailing a new deployment strategy that achieves optimal FAMs staffing to ensure its operations mitigate the maximum risk as with other TSA aviation security activities.

Cybersecurity

While counterterrorism remains a cornerstone of our Department's mission, I have concluded that cybersecurity must be another. Making tangible improvements to our Nation's cybersecurity is a top priority for President Obama and for me to accomplish before the next President is inaugurated.

On February 9th, the President announced his "Cybersecurity National Action Plan," which is the culmination of seven years of effort by the Administration. The Plan includes a call for the creation of a Commission on Enhancing National Cybersecurity, additional investments in technology, federal cybersecurity, cyber education, new cyber talent in the federal workforce, and improved cyber incident response.

DHS has a role in almost every aspect of the President's plan.

As reflected in the President's 2017 budget request, we want to expand our cyber response teams from 10 to 48.

We are doubling the number of cybersecurity advisors to in effect make “house calls,” to assist private sector organizations with in-person, customized cybersecurity assessments and best practices.

Building on DHS’s “Stop. Think. Connect” campaign, we will help promote public awareness on multi-factor authentication.

We will collaborate with Underwriters Laboratory and others to develop a Cybersecurity Assurance Program to test and certify networked devices within the “Internet of Things.” -- such as your home alarm system, your refrigerator, or even your pacemaker.

Last year we greatly expanded the capability of DHS’s National Cybersecurity Communications Integration Center, or “NCCIC.” The NCCIC increased its distribution of information, the number of vulnerability assessments conducted, and the number of incident responses.

At the NCCIC, last year we built a system to automate the receipt and distribution of cyber threat indicators in near real-time speed. We built this in a way that also includes privacy protections.

I have issued an aggressive timetable for improving federal civilian cybersecurity, principally through two DHS programs:

The first is called EINSTEIN. EINSTEIN 1 and 2 have the ability to detect and monitor cybersecurity threats in our federal systems, and are now in place across all federal civilian departments and agencies.

EINSTEIN 3A is the newest iteration of the system, and has the ability to block potential cyber attacks on our federal systems. Thus far E3A has actually blocked 700,000 cyber threats, and we are rapidly expanding this capability. About a year ago, E3A covered only about 20% of our federal civilian networks. In the wake of the OPM attack, in May of last year I directed our cybersecurity team to make at least some aspects of E3A available to all federal departments and agencies by the end of last year. They met that deadline. Now that the system is available to everyone, 50% are actually on line, including the Office of Personnel Management, and we are working to get all federal departments and agencies on board by the end of this year.

The second program, called Continuous Diagnostics and Mitigation, or CDM, helps agencies detect and prioritize vulnerabilities inside their networks. In 2015, we provided CDM sensors to 97% of the federal civilian government. This year, DHS will provide the second phase of CDM to 100% of the federal civilian government.

We have worked with OMB and DNI to identify the government's high value systems, and we are working aggressively with the owners of those systems to increase their security.

In September, DHS awarded a grant to the University of Texas San Antonio to work with industry to identify a common set of best practices for the development of Information Sharing and Analysis Organizations, or "ISAOs."

Finally, I thank Congress for passing the Cybersecurity Act of 2015. This new law is a huge assist to DHS and our cybersecurity mission. We are in the process of implementing that new law now. Just last month, I announced that we issued guidelines and procedures, required by this law, providing federal agencies and the private sector with a clear understanding of how to share cyber threat indicators with the NCCIC, and how the NCCIC will share and use that information. We issued these guidelines and procedures consistent with the deadline set by the new law.

Funding is included for cybersecurity in the FY 2017 budget request in the following key areas:

- \$274.8 million for the Continuous Diagnostics and Mitigation program which provides hardware, software, and services designed to support activities that strengthen the operational security of federal ".gov" networks, an increase of more than \$170 million over the FY 2016 enacted level.
- \$471.1 million sustains the EINSTEIN program, to continue to combat intrusions, enhance information sharing, and deploy analytical capabilities to secure the federal civilian information technology enterprise.
- The FY 2017 budget request sustains ICE and USSS resources to combat cyber-crime and investigate cyber-criminals.

Immigration/Border Security

Immigration policy must be two sides of the same coin.

The resources we have to enforce immigration laws are finite, and we must use them wisely. This is true of every aspect of law enforcement.

With the immigration enforcement resources we have, ICE is focused more sharply on public safety and border security. Those who are convicted of serious crimes or who have recently been apprehended at the border are top priorities for removal. And we will enforce the law in accordance with these priorities.

Accordingly, over the last several years deportations by ICE have gone down, but an increasing percentage of those deported are convicted criminals. And, an increased percentage of those in immigration detention, around 85%, are in the top priority for removal. We will continue to focus our resources on the most significant threats to public safety and border security.

In furtherance of our public safety efforts, in 2014 we did away with the controversial Secure Communities program and replaced it with the new Priority Enforcement Program, or "PEP." PEP fixes the political and legal controversies associated with Secure Communities and enables us to take directly into custody from local law enforcement the most dangerous, removable criminals. Since PEP was created, cities and counties that previously refused to work with Secure Communities are coming back to the table. Of the 25 largest counties that refused to work with ICE before, 16 are now participating in PEP. In 2016, we will work to get more to participate.

And, because we are asking ICE immigration enforcement officers to focus on convicted criminals and do a job that's more in the nature of law enforcement, last year we reformed their pay scale accordingly. Now, the pay scale for these immigration officers is the same as other federal law enforcement.

We have also prioritized the removal of those apprehended at the border. We cannot allow our borders to be open to illegal immigration.

Over the last 15 years, our Nation – across multiple administrations – has invested a lot in border security, and this investment has yielded positive results. Apprehensions by the Border Patrol – which are an indicator of total attempts to cross the border illegally – are a fraction of what they used to be.

In FY 2014, overall apprehensions by the Border patrol increased, as we saw a spike in the number of families and unaccompanied children from Central America during the spring and summer of 2014. That year the overall number of apprehensions was 479,000. Across the government, we responded aggressively to this surge and the numbers fell sharply within a short period of time.

In FY 2015, the number of those apprehended by the Border Patrol on the southwest border was 331,000 – with the exception of one year, the lowest since 1972.

From July to December 2015 the numbers of migrants from Central America, especially families and unaccompanied children, began to climb again.

In January I announced a series of focused enforcement actions to take into custody and remove those who had been apprehended at the border in 2014 or later and

then ordered removed by an immigration court. I know this made a lot of people I respect very unhappy. But, we must enforce the law in accordance with our priorities.

In January overall apprehensions by the Border Patrol on the southwest border dropped 36% from the month before. At the same time, the number of unaccompanied children apprehended dropped 54%, and the number of those in families dropped 65%. In February, the numbers of unaccompanied children and families have remained at this lower level. We are closely monitoring the situation on the southwest border and will not dial back our efforts, as illegal migration traditionally increases in the spring. We will do all we can to prevent another summer surge in illegal crossings. We will continue to enforce the law consistent with our priorities for enforcement, which includes those apprehended at the border in 2014 or later.

Then there is the other side of the coin. The new enforcement policy the President and I announced in November 2014 makes clear that our limited enforcement resources will not be focused on the removal of those who have committed no serious crimes, have been in this country for years, and have families here. Under our new policy, these people are not priorities for removal, nor should they be.

In fact, the President and I want to offer, to those who have lived here for at least five years, are parents of U.S. citizens or lawful permanent residents, and who have committed no serious crimes, the opportunity to request deferred action on a case-by-case basis, to come out of the shadows, get on the books, and be held accountable. We are pleased that the Supreme Court has agreed to hear the case of *Texas v. United States*, which involves the new deferred action policies we announced in November 2014.

Our overall policy is to focus our immigration enforcement resources more effectively on threats to public safety and border security, and, within our existing legal authority, do as much as we can to fix the broken immigration system. We're disappointed that Congress has not been our partner in this effort, by passing comprehensive immigration reform legislation.

Finally, we recognize that more border security and deportations may deter illegal migration, but they do nothing to overcome the "push factors" that prompt desperate people to flee Central America in the first place. We are prepared to offer vulnerable individuals fleeing the violence in Central America a safe and legal alternate path to a better life. We are expanding our Refugee Admissions Program to help vulnerable men, women and children in Central America who qualify as refugees. We are partnering with the U.N. High Commissioner for Refugees and non-governmental organizations in the region to do this as soon as possible. This approach builds on our recently established Central American Minors program, which is now providing an in-country refugee processing option for certain children with lawfully present parents in the United States.

The President's FY 2017 budget request includes the following key resources for immigration and border security:

- \$7.0 billion to fund the salaries and benefits of Border Patrol agents and CBP officers. In FY 2017, CBP plans to hire up to 21,070 Border Patrol agents, a decrease of 300 from the 2016 enacted level, and 23,821 CBP officers.
- \$1.4 billion to enable U.S. Immigration and Customs Enforcement to maintain nearly 31,000 detention beds for individuals presenting a flight risk, a risk to public safety or national security, or who are subject to mandatory detention.
- \$2.0 billion sustains the Coast Guard counter-drug and alien migration interdiction operations. These intelligence-driven mission activities are critical to disrupting Transnational Criminal Organizations and securing the southern border.
- \$1.6 billion sustains the Coast Guard's ports, waterways, and coastal security efforts. These include screening to ensure unauthorized and illicit individuals do not gain access to, or disrupt, key maritime transportation and commerce nodes. All crew, passengers, and cargo of vessels over 300 tons are screened prior to arrival in U.S. waters to mitigate potential risks to our nation.
- \$319 million, a decrease of more than \$370 million, to cover the costs associated with the temporary care and transportation of up to 75,000 unaccompanied children, along with other resources for the custody of adults with children who cross our borders.
- \$126.0 million for the Alternatives to Detention Program, an increase of \$12 million, to monitor 53,000 average daily participants, including families, who may pose a flight risk but who are not considered a threat to our communities. The ATD program places low-risk individuals under various forms of non-detained, intensive supervision, which may include electronic monitoring.
- \$347.5 million for the Criminal Alien Program, an increase of \$7 million, to support ICE in the apprehension and removal of both at-large and incarcerated convicted criminals. These resources include funding for an additional 100 officers to support the expanded implementation of PEP.
- \$268.4 million, an increase of \$30 million that sustains the increase of 311 attorneys in the FY 2016 appropriation, for ICE's Office of Principal Legal Advisor, which represents the U.S. Government in removal proceedings and litigated over 400,000 immigration related cases in FY 2015.

- \$355.7 million to maintain the necessary infrastructure and technology along the Nation's borders to ensure CBP law enforcement personnel are supported with effective surveillance technology to improve their ability to detect and interdict illegal activity in a safer environment. This represents a decrease of \$91 million from the substantial increase provided in the FY 2016 appropriation.

Refugees

We are doing our part to address the Syrian refugee crisis. USCIS, in conjunction with the Department of State, is working hard to meet our commitment to admit at least 10,000 Syrian refugees by the end of this fiscal year. We will do this by carefully screening refugees in a multi-layered and intense screening process involving multiple law enforcement, national security, and intelligence agencies across the Federal Government.

Secret Service

Over the last year, Director Joe Clancy of the Secret Service has done a tremendous job reforming the agency, including hiring a chief operating officer from outside the Secret Service, altering the structure and management of the agency, ramping up efforts to hire new members of its workforce, and expanding training opportunities. In 2016 we will continue to work on areas that still need improvement.

The President's FY2017 budget requests \$108.2 million to enhance White House security, an increase of \$42 million, which includes support for the U.S. Secret Service's Operational Mission Support initiative to enhance protection at fixed and temporary sites and includes advanced protective countermeasures.

The Coast Guard

With the help of Congress, in 2016 we will continue to modernize the Coast Guard fleet, including all major air and surface asset lines. We propose continuing these investments in the 2017 Budget request, and we seek an additional \$150 million for the design of a new Polar-class icebreaker.

Our FY 2017 budget request includes \$1.1 billion to support the Coast Guard's air and surface fleet recapitalization, to include \$240.0 million for production of four Fast Response Cutters; \$130.0 million to convert Air National Guard C27J aircraft for Coast Guard use; \$150.0 million for acquisition activities for a new polar icebreaker; and \$100.0 million to complete evaluation of detailed design and long lead time material for the lead Offshore Patrol Cutter.

FLETC

Our FY 2017 budget includes \$243 million to support FLETC's mission. Since 2012, the Federal Law Enforcement Training Center has trained more than a quarter million federal, state and local officers and agents. At the same time, FLETC continually updates its curriculum to address the biggest challenges facing law enforcement, to include training for active shooter situations, cyber forensics, and human trafficking.

FEMA

FEMA continues to carry out its extraordinary responsibility of supporting the American people and communities to prepare for, respond to, and recover from various disasters. FEMA will continue to focus on efforts to enhance resilience and mitigation measures before disaster strikes, to prevent loss and save lives.

Our FY 2017 budget request supports the Disaster Relief Fund, grant programs, disaster preparedness plans, and training for our homeland security and law enforcement partners. This includes \$6.7 billion to sustain relief fund levels that provide immediate and long-lasting assistance to individuals and communities stricken by emergencies and major disasters. Our 2017 Budget request also includes \$365.0 million for the Pre-disaster Mitigation Fund and for flood hazard zone mapping. The Administration is committed to helping communities take steps to protect themselves from extreme weather and other climate impacts. These investments build on recent progress and pursue strategies to build a more climate-resilient America.

Lawful Trade and Travel

We continue to promote lawful trade and travel. We will continue to pursue the President's U.S.-Mexico High Level Economic Dialogue and his Beyond the Border Initiative with Canada. We are implementing "Single Window" for international trade, which, by December 2016, will enable the private sector to use just one portal to transmit information to 47 government agencies about exports and imports, thereby eliminating over 200 different forms and streamlining the trade process.

Conclusion

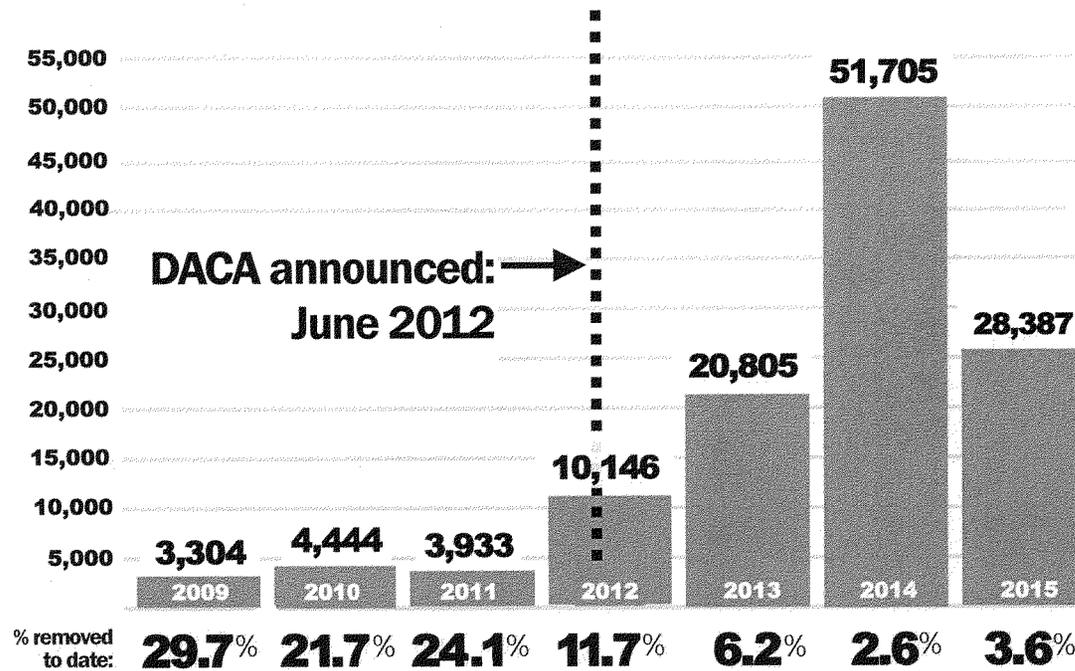
As I stated before, developing this budget request within the topline constraints of the bipartisan budget agreement of 2015 required difficult choices. But I am confident that the Department of Homeland Security will build upon the progress we have made over the past year and continue to fulfill our vital mission of keeping the homeland safe.

I again thank you for the opportunity to speak here today and for your continued support of DHS.

I look forward to your questions.

UAC APPREHENSIONS

UNACCOMPANIED CHILDREN: HONDURAS, GUATEMALA, EL SALVADOR

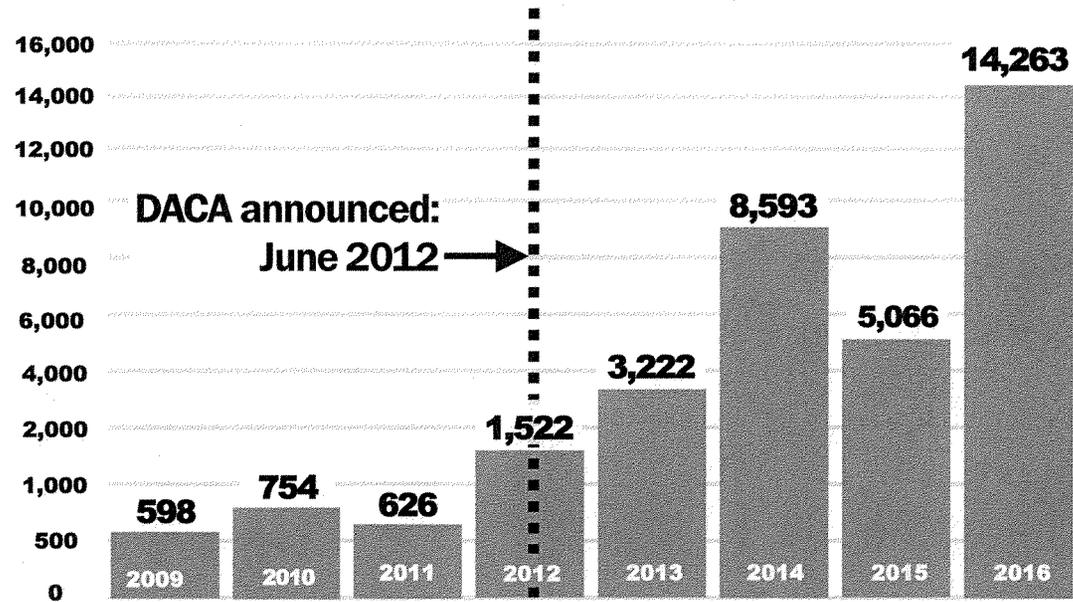


U.S. Border Patrol, U.S. Customs and Border Protection.



APPREHENSIONS: FIRST QUARTER

UNACCOMPANIED CHILDREN: HONDURAS, GUATEMALA, EL SALVADOR



U.S. Border Patrol, U.S. Customs and Border Protection.



**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Rob Portman**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	1
Topic:	Drugs Interdicted at the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What percent of the heroin and fentanyl trafficked is interdicted at the border(s)?

Methamphetamine? Cocaine? Marijuana?

Response: Included below is information regarding drug seizures by U.S. Customs and Border Protection:

**US Border Patrol Nationwide Drug Seizures
FY2015 - FY2016TD through February**
Data source: Enforcement Integrated Database
(Unofficial) FY2015 as of End of Year Date; FY16TD as of 3/30/16

	FY2015		FY2016TD	
	LBS	% of Total Drugs	LBS	% of Total Drugs
Cocaine	11,220.29	0.72%	2,667.05	0.39%
Heroin	517.64	0.03%	217.21	0.03%
Marijuana	1,538,307.25	98.82%	680,718.68	99.05%
Methamphetamine	6,443.14	0.41%	2,852.14	0.41%
Fentanyl	N/A	N/A	N/A	N/A
Total Drugs	1,556,746.43	N/A	687,266.11	N/A

Office of Field Operations seizure data by land border and fiscal year are outlined below.

Question#:	1
Topic:	Drugs Interdicted at the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Drug Type: SW Land	FY 2015	FY 2016 to Feb
Cocaine	2.7%	2.7%
Heroin	0.7%	0.5%
Marijuana	91.9%	91.2%
Methamphetamine	4.7%	5.6%

Drug Type: NB Land	FY 2015	FY 2016 to Feb
Cocaine	43.2%	0.0%
Heroin	0.7%	0.1%
Marijuana	29.4%	99.8%
Methamphetamine	26.6%	0.1%
Total	100.0%	100.0%

Question#:	1
Topic:	Drugs Interdicted at the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Drug Type: Air	FY 2015	FY 2016 to Feb
Cocaine	15.6%	18.7%
Heroin	3.1%	3.0%
Marijuana	77.2%	74.4%
Methamphetamine	4.1%	3.8%
Total	100.0%	99.9%

Drug Type: Sea	FY 2015	FY 2016 to Feb
Cocaine	46.3%	87.4%
Heroin	0.1%	2.9%
Marijuana	53.6%	9.8%
Methamphetamine	0.0%	0.0%

Question#:	2
Topic:	Drugs Through the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What percent of the heroin and fentanyl trafficked gets through the border(s)?

Methamphetamine? Cocaine? Marijuana?

Response: U.S. Customs and Border Protection is unable to gather detailed metrics for illicit substances that are not attributed to seizures.

Question#:	3
Topic:	Total Apprehensions in Calendar Year 2016
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified at the hearing and in your written statement that apprehensions are have decreased. Moreover, you acknowledged the correlation between apprehensions and total attempts at crossing. Further, you specifically stated that apprehensions "are a fraction of what they to use to be." (sic) What are the most up-to-date statistics on total apprehensions in calendar year 2016? Fiscal Year 2016?

Response: Below is information regarding U.S. Border Patrol apprehensions for this fiscal and calendar year through March, 2016. Detailed monthly and yearly data is publicly available on the U.S. Customs and Border Protection Website:
<https://www.cbp.gov/newsroom/media-resources/stats?title=Border+Patrol>:

	Apprehensions
CY2016 - March 23	75,457
FY2016 - March 23	179,636

Question#:	4
Topic:	Northern Border Situation Awareness
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Situational awareness on our northern border significantly differs from that of our southern border. Decreasing the number of available Border Patrol agents is troubling. How are DHS and CBP maintaining situational awareness on our northern border given this proposed decrease in Border Patrol agents?

Response: The U.S. Border Patrol defines situational awareness as knowledge of information that promotes timely, relevant, and accurate assessment of friendly, adversarial, and other activities within the operational environment to facilitate decision making.

The U.S. Border Patrol's confidence in its level of situational awareness is not dependent solely on staffing levels. U.S. Border Patrol staffing levels at the northern and southern border are decided after assessing information and intelligence, which differ for each border. When determining staffing levels, U.S. Border Patrol also analyzes the differences in terrain. The influence of the weather and environment on operations, especially in the vast mountain ranges and waterways, are geographic factors that affect both friendly and adversarial operations. As a result of these factors, which allow CBP to make risk-based decisions, staffing levels at the northern border have historically been lower than at the southern border, when comparing manpower-to-border-miles ratios. The methods U.S. Border Patrol leaders use to attain situational awareness along our Nation's border include:

- **Partnerships:** The Border Patrol has and continues to develop a network of partnerships, with Canadian counterparts and other U.S. federal agencies, as well as state, local, territorial and tribal agencies along the northern border, to facilitate more integrated information sharing. Additionally, the Border Patrol carries out proactive engagement with the public through national and local level initiatives within communities along the northern border, such as our Border Community Liaison program, resulting in increased community engagement in law enforcement efforts.
- **Information and Intelligence:** The Border Patrol continues to develop analysis capabilities, capitalizing on intelligence gathered through Border Patrol sources, as well as the information gathered through the partnerships described above. Through such processes, the Border Patrol is able to employ a risk-based approach to decision making, and is able to direct operational resources to those areas determined to be of greater risk.

Question#:	4
Topic:	Northern Border Situation Awareness
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

- **Technology:** The Border Patrol capitalizes on advances in technology whenever possible, including along the northern border. Technology initiatives provide force-multiplication, maximizing the efforts of manpower levels in those areas of coverage.

Question#:	5
Topic:	Syrian Refugees
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: As the number of Syrian refugees increase in our bordering nations, what precautions is the United States taking to make sure that our national security standards are maintained when determining admission into the US?

Response Since its establishment in 2003 as the single, unified border agency of the United States, U.S. Customs and Border Protection (CBP) has employed a strategy of extending the first line of defense in our border security outward to meet the dual goals of improving security while facilitating the flow of legitimate trade and travel. As these efforts evolved and capabilities grew to address an ever-changing threat environment, a comprehensive pre-departure strategy emerged, founded in the abilities of CBP's National Targeting Center (NTC), enforced through our overseas pre-departure programs, and supported by our international partners.

CBP's comprehensive pre-departure strategy focuses on pushing our first line of defense outward with the purpose of intercepting and addressing potential threats at the earliest possible opportunity overseas, prior to travel, and before such threats reach the United States. CBP's pre-departure strategy focuses on securing air travel as terrorist organizations continue to target commercial air transportation as a means to move operatives into the United States or to attack the homeland. CBP's pre-departure strategy also facilitates legitimate trade and travel, through the efficient review and identification of possible high-risk travelers. CBP separates that small segment from legitimate travelers, allowing all other travelers to move more quickly through the inspection process.

Every stage along the international travel cycle—from when an individual applies for a visa or Visa Waiver Program travel authorization to when an individual arrives at a U.S. port of entry—provides an opportunity to assess risk and mitigate potential threats. In concert with our partners, CBP applies its capabilities throughout the travel cycle:

- CBP's NTC increases security by receiving advance information, employing sophisticated targeting systems to detect risk.
- CBP's overseas enforcement approaches—the Regional Carrier Liaison Group, Immigration Advisory Program/Joint Security Program, and Preclearance—act upon information provided by the NTC to address risks or prevent the movement of identified threats toward the United States at the earliest possible point in travel.

Question#:	5
Topic:	Syrian Refugees
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

- CBP continually evaluates and adjusts its security measures to strengthen its ability to react quickly and effectively mitigate potential threats to the United States.

These targeted security measures leverage both strategic intelligence to identify existing and emerging threat streams, and tactical intelligence to perform link analysis and targeted responses.

All travelers who arrive in the United States (whether arriving by air, land, or sea), including U.S. citizens, are subject to inspection. During primary inspection, CBP Officers further assess and segment traveler risk. They review entry documents, ask targeted questions, and run biometric and biographic queries against law enforcement databases. If travelers cannot be cleared during primary processing, they are referred to secondary processing where CBP Officers conduct an in-depth examination of the traveler. Examination results may yield immediate actions resulting in the arrest, seizure, or determination that an individual is inadmissible to the United States. Information derived from the secondary inspections of all counter-terrorism examinations provides invaluable intelligence and information that is shared with the intelligence community and law enforcement partners.

Question#:	6
Topic:	Social Media Task Force
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: You indicated in your testimony that the Department established a Social Media Task Force. When was this Task Force established? By whose direction?

What were the Social Media Task Force's findings? Recommendations?

Response: Social media can provide the Department with critical information related to the execution of our mission. The Department uses social media in a number of ways, which have expanded during my time as Secretary. Today, social media is used for many different operational or investigative purposes by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, Transportation Security Administration, Federal Emergency Management Agency, U.S. Coast Guard, U.S. Secret Service, Office of Intelligence and Analysis, and other DHS components and offices.

I have directed the further expansion of social media use across the Department, consistent with the law and appropriately protecting civil rights, civil liberties, and privacy. To that end, on December 15, 2015, the Deputy Secretary and I asked the Under Secretary for Intelligence and Analysis, Francis X. Taylor, to lead a Task Force to review the Department's current use of social media and identify options to optimize its use across the Department.

As recommended by the Task Force, a first priority, and an immediate operational imperative, is to expand U.S. Citizenship and Immigration Services' (USCIS) ability to use social media to screen and vet applicants for immigration benefits, building upon the social media vetting capabilities USCIS has already piloted and deployed.

Additionally, the Task Force recommended, and I approved, the stand-up of a DHS Social Media Center of Excellence (CoE) by August 1, 2016.

Question#:	7
Topic:	Visa Overstays Report
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: The recent visa overstays report indicated thousands of visa overstays by visitors from high-risk nations. These included 219 overstays from Afghanistan or 10.25% of the visa population, 1,435 from Pakistan, 564 from Iran, 681 from Iraq, 930 from Lebanon, and 440 from Syria, to name a few.

Are you conducting additional background screening on all overstays?

Response: The Department of Homeland Security (DHS) applies various levels of screening for suspected overstay violators.

U.S. Customs and Border Protection (CBP) uses its arrival and departure information to identify potential overstays and create accompanying records. These records are subsequently screened against CBP's Automated Targeting System (ATS). ATS is a decision support tool that compares traveler, cargo, and conveyance information against law enforcement, intelligence, and other enforcement data using risk-based targeting scenarios and assessments. These records are further screened through U.S. Citizenship and Immigration Services' Computer Linked Application Information Management System that maintains all immigration applications and petitions, except for those involving naturalization, asylum, and refugee applications.

Additionally, as part of overstay enforcement efforts, U.S. Immigration and Customs Enforcement (ICE) analyzes records of hundreds of thousands of potential status violators, and develops cases for investigation from the Student and Exchange Visitor Information System and CBP's Arrival and Departure Information System datasets. Overstay data is systematically vetted against numerous government databases, including law enforcement and security databases, to determine if individuals have departed the country or were granted an immigration benefit, allowing the individual to remain in the country. ICE is also integrating publicly available information as part of its vetting efforts. To better manage investigative resources, ICE relies on a prioritization framework for these leads and has established the Compliance Enforcement Advisory Panel (CEAP) with interagency partners within the national intelligence and federal law enforcement communities. Through CEAP, ICE's overstay enforcement criteria is better aligned with current threats to national security by prioritizing immigration violators who may pose the greatest risks to our national security. Those identified as posing potential national security or public safety concerns, and who align with the Secretary's enforcement priorities, are referred to ICE field offices for investigation.

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Question: Does this screening include social media? Are 100% of those who overstayed screened on social media?

Response: ICE does not screen 100 percent of the system-generated overstay records against social media. Records which meet ICE's national security parameters for further screening are manually reviewed against government database systems and classified reporting. During this phase, ICE also conducts open source/social media screening on overstay violators who may warrant additional investigation, targeting potential national-security or public safety concerns.

Question: Do you feel that those who have overstayed their visas should be considered a higher risk than those who do not overstay their visas?

Response: Interior enforcement actions are generally predicated on a violation having occurred, either by a nonimmigrant visitor having remained in the United States beyond the authorized period of admission or otherwise having violated the terms of their status. ICE coordinates closely within DHS and other federal partners in employing risk-based strategies to protect the United States, focusing on potential threats to national security or public safety.

Question#:	8
Topic:	Electronic System for Travel Authorization
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: If someone eligible for admission under the Visa Waiver Program but is denied by the Electronic System for Travel Authorization, is this denial derogatory with regard to a subsequent visa application?

Response: An ESTA denial does send a record to the State Department Lookout system, on the reason for the denial of the ESTA. That information is available for the Department of State to use in its determination of whether a person is eligible for a visa. There are many times where a person may not be eligible for travel under the Visa Waiver Program, but may be eligible for travel with a visa. Please refer to the Department of State for further information on how an ESTA denial affects a subsequent visa application.

Question#:	9
Topic:	Terror Watch Lists
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	Senator Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: According to its June 2015 Report, DHS's Office of Inspector General (DHS OIG) found that TSA did not detect seventy-three (73) individuals employed by the aviation industry who were on Terror Watch Lists. The report further noted that this information gap stemmed from TSA lacking authority to receive terrorism-related information under current interagency watch listing policy.

Since this report, what has DHS and TSA done to prevent individuals on the Watch List from gaining access to our airports through the airline industry?

Response: The June 2015 DHS OIG Report cited 73 examples where TSA issued credentials to individuals who matched records in the Terrorist Identities Datamart Environment (TIDE), but for whom there were no records in the Terrorist Screening Database (TSDB) which contains the U.S. Government's consolidated watchlist of known and suspected terrorists. Following the findings of the OIG report, TSA subsequently reviewed each case and determined that none of the 73 records identified by the OIG posed a threat to transportation security.

TSA, in coordination with interagency partners, received approval for automated access to additional, relevant TIDE information for use in vetting credentialed populations. This information supplements TSA's current use of the TSDB, with TIDE information on individuals who have links to terrorists, terrorism, or terrorist activity, but have not met the reasonable suspicion standard necessary to be nominated to the TSDB (the "Watchlist"). Having automated access to this data makes it possible for TSA to make more informed security threat assessment decisions for individuals seeking access to the critical and sensitive transportation infrastructure.

TSA began automated receipt of non-U.S. citizen data at the end of February 2016, and in June 2016, manually received U.S. Citizen data from the National Counterterrorism Center (NCTC), using this information to inform Security Threat Assessments. A second phase will support the automated receipt and ingestion of U.S. citizen data and is expected to begin in late 2016, after necessary changes across multiple agencies' information technology systems and thorough testing are completed.

Question: Currently, are there any individuals working in the aviation industry who are on terror Watch Lists?

Response: The Transportation Security Administration (TSA) vets aviation workers accessing varying aviation environments, such as workers with airport-issued credentials,

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Federal Aviation Administration certificate holders, air cargo workers, general aviation pilots and crew, and pilots and crew flying into, out of, or over the United States. TSA vets these populations initially upon application for access and then recurrently against the Terrorist Screening Database and the additional Terrorist Identities Datamart Environment information noted above. When any matches to new information are confirmed in TSA's vetted populations, TSA coordinates with the Federal Bureau of Investigation and/or associated nominating agencies and law enforcement to take appropriate action, ensuring individuals with access to critical and sensitive transportation infrastructure do not pose a threat to transportation.

**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Ron Johnson**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	10
Topic:	Common Appropriations Structure
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Department has submitted its FY2017 budget request using the Common Appropriations Structure for all of its components except Coast Guard.

Please describe what benefits the Department will realize in terms of flexibility in how its appropriations are spent and tracked.

Response: The Common Appropriations Structure (CAS) entails two primary changes beneficial to the Department, as follows:

- 1) Since its creation in 2002, DHS has maintained nearly the same appropriations account structure it inherited from the 22 agencies that joined together to become one department. The current structure reflects the budgeting practices of the multiple Cabinet-level departments and independent agencies from which today's DHS Components came. DHS has functioned for over a decade with significant budget disparities and inconsistencies between its Components and their appropriations and programs. The lack of uniformity has complicated spending decisions and other managerial decision making. Under the CAS, the Department's current total of 76 different appropriations will be replaced using just four basic appropriations fund types (Research and Development; Procurement, Construction, and Improvements; Operations and Support; and Federal Assistance) and some limited exceptions. DHS leadership and stakeholders will have a greater ability to compare and contrast appropriations across DHS in meaningful ways and allow for better policy guidance and oversight. Adopting a common set of rules on how to prepare budgets across DHS, using the same basic appropriations types, will facilitate a greater understanding of Component performance and how appropriated funds are spent, and allow us to better track lifecycle costs for DHS acquisition programs.

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- 2) The Department's array of over 600 Programs, Projects, and Activities (PPAs) will be realigned towards Mission Programs that are externally recognizable and operationally meaningful. DHS leadership and stakeholders will be able to track budgeted amounts from the appropriations level directly to activities occurring on the front lines or in headquarters offices, consistently, and will have the benefit of knowing easily understandable program costs. As proposed by the CAS, the PPAs funded within each Component's appropriations correspond to the Mission Programs found in the DHS Future Years Homeland Security Program (FYHSP) and as established in the Federal Program Inventory. This change synchronizes DHS programming and budgeting at both the appropriations and PPA levels, which will lead to efficiencies and greater transparency. Directly linking PPAs to Mission Programs provides direct connectivity between the Component's appropriations and its frontline operations and/or headquarters activities. Doing so consistently across DHS provides greater transparency and comparability on how resources are being spent and allows for fully informed programmatic trade-off decisions within limited resources.

Question: How will the Department ensure that it has adequate oversight and transparency of its funds in the new structure?

Response: The Department will maintain all internal controls and financial reporting it currently has in place. Oversight and transparency are largely achieved through regular financial reporting, and those processes will continue unfettered.

To ensure an orderly and seamless transition to the CAS, the DHS Office of the Chief Financial Officer (OCFO) prepared an implementation and training plan in January 2016. Part of the effort included a technical assessment of the Department's financial systems to identify any changes that may be needed to accommodate the new structure. That review resulted in a determination that DHS can and will continue to perform financial reporting after the CAS has been implemented. As an assurance and pursuant to Section 563 of the Department's FY 2016 appropriations act (Division F of P.L. 114-113), the DHS Deputy Under Secretary for Management and Chief Financial Officer certified to the Appropriations Committees on March 31 that DHS will continue financial reporting in the new structure.

OCFO transmits a budget execution and staffing report for all of DHS to the Appropriations Committees each month. Additionally, OCFO conducts quarterly reviews of Component budget execution along with a comprehensive midyear budget review. The monthly reporting and each of the oversight functions described above will continue in the new structure.

Question#:	11
Topic:	Critical Infrastructure Protection
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The security and resiliency of our electric grid need to be among the top priorities of our nation in terms of ensuring the continued operation of critical infrastructure.

How will the Department prioritize its critical infrastructure protection work with the energy sector in the coming fiscal year?

Response: A robust, secure, and resilient energy infrastructure is essential to serving the needs of today's society, protecting public health and safety, economic security, and national security. It is for this reason that the National Infrastructure Protection Plan, developed pursuant to Presidential Policy Directive – 21 (PPD-21) recognizes the Energy Sector as a key lifeline function. U.S. infrastructure—assets, systems, and networks that underpin American society—by its very nature supports communities with constantly evolving requirements. This is one reason for our close and ongoing coordination with the Department of Energy (DOE), the Energy Sector-Specific Agency. The Electricity Subsector in particular, is a priority. This is reflected by senior-level engagement with the Electricity Subsector Coordinating Council (ESCC), which is comprised of Chief Executive Officers representing the breadth of the electric-power industry.

Meetings with the ESCC throughout the year serve as a venue to discuss physical security and cybersecurity, grid resilience, and progress made on joint industry/government initiatives and national-level responses to major incidents. These meetings enable industry and government to share perspectives, identify joint priorities, and track progress on common objectives.

Further highlighting the importance we place on this work, DHS will serve as the co-chair in 2016 on developing a National Strategy for strengthening the security and resilience of the North American electric grid for all hazards (including adversarial, technological, and natural hazards). This work will include a strong international component, recognizing, for example, that there are over 30 major transmission interconnections linking Canada and the U.S., which traded approximately \$3 billion worth of electricity in 2014.

These activities complement the efforts of the Federal Emergency Management Agency and the DOE to produce a Power Outage Incident Annex (POIA). The POIA is currently under development and will provide incident-specific supplemental information to the Response and Recovery Federal Interagency Operational Plans. The annex will also describe processes and organizational constructs that the government will use when

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federal support is required to help facilitate response and recovery efforts resulting from a disruption in the power grid, whether it results from deliberate acts of terrorism or crime, accidents, or natural disasters.

Question: Please describe any risk assessments and other major projects planned for FY2017 to analyze or strengthen protection of the electric grid.

Response: In FY2016, NPPD's Office of Infrastructure Protection, in collaboration with DOE, initiated the Regional Resiliency Assessment Program project for Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) with a focus on electric power substations with large power transformers and their resilience to extreme weather events. This collaborative project is based on the results of the April 2015 Quadrennial Energy Review, which identified the vulnerability of transmission, storage, and distribution infrastructure to natural phenomena and the criticality of high-voltage transformers to the grid's operation. The project also recommended that DHS and DOE collaborate on means of assessing the security and resilience of energy infrastructure assets. Project activities will continue through FY2017, transitioning from the ongoing data collection and analysis into the delivery of key findings and then moving into a period focusing on implementing measures to mitigate identified gaps. The objective of this project is to help the energy owners and state and local officials in the region understand the extreme weather risks to electric infrastructure, associated vulnerabilities and consequences, and offer mitigation strategies to enhance the resilience of the Energy Sector in Region I. In FY2017, the Office of Cyber and Infrastructure Analysis (OCIA) will continue to enhance the electric power modeling and simulation capabilities at the National Infrastructure Simulation and Analysis Center (NISAC) to analyze the electric grid from traditional and non-traditional hazards.

Question: Geomagnetic disturbance resulting from solar activity and high-altitude electromagnetic pulse are two issues facing the grid. Please list all activities the Department has undertaken in the last year, and those that it plans to take in the coming year, to study and improve the nation's readiness to face these threats.

Response: DHS served as the co-chair of the Space Weather Operations Research and Mitigation Task Force established under the White House Office of Science and Technology Policy. Out of the work of this task force, the National Space Weather Strategy was promulgated in October of 2015, along with its supporting action plan. The National Protection and Programs Directorate (NPPD) will lead and support many of the actions outlined in this plan, focused on improving our ability to assess, characterize, protect, respond to, recover from and mitigate threats to the electric grid.

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A joint DHS and DOE study is already underway regarding the impacts of Electromagnetic Pulses (EMP) and Geomagnetic Disturbance (GMD) events on the electric grid. This study consists of four phases, which will analyze the hazard environments, impacts, and consequences of different sources of EMP and GMD on the U.S. electric power infrastructures, and to use those methods to determine EMP and GMD events of concern and potential means of mitigation.

Key EMP research and development capability gaps and needs identified by joint government and industry stakeholders will be fed into DHS's Integrated Product Team process for prioritization. NPPD and S&T/First Responders Group will work with DOE and the ESCC to develop a joint government and industry approach to address the threat of EMP.

Additionally, S&T is on a solar storm mitigation project with the National Aeronautics and Space Administration's Goddard Space Flight Center that will enable forecasting of the localized quantitative efforts of severe geomagnetic storms. Electric utilities will be able to use this localized data to help prepare for and respond to geomagnetic disturbances. This project is planned for the transition at the end of 2016.

Question#:	12
Topic:	Unaccompanied Children
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: In the Department's written budget request for FY2017, you acknowledge, "During the first quarter of FY 2016, [U.S. Border Patrol] apprehended over 17,000 UC crossing the Southwest border, compared to approximately 8,000 [unaccompanied children, UC] apprehensions during the same time period in FY 2015 and approximately 13,000 in the first quarter of FY 2014. In anticipation of these high numbers potentially continuing throughout FY 2016 and FY 2017, [Customs and Border Protection, CBP] requests resources to support a revised baseline of 75,000 UC apprehensions, as well as contingency fund should arrivals exceed prior year levels" (FY2017 Budget Request, Volume 1, Customs and Border Protection, Operations and Support, page 70).

Rather than processing these children, what can the Department do to discourage UC from taking the horrific journey to the United States?

Response: The United States has pursued a multi-pronged approach to discourage unaccompanied alien children from taking the dangerous journey to the United States. Together with the Department of Justice, DHS has increased activities to target, disrupt, and dismantle the human smuggling organizations that promote and facilitate the flow of migrants across our southern border. Networks are not just targeted in the United States; Homeland Security Investigations Special Agents and others in Mexico and Central America exchange intelligence and information to target smugglers south of the U.S.-Mexico border.

DHS currently promotes informational campaigns in the Northern Triangle countries of El Salvador, Guatemala, and Honduras focusing on the perils, risks, and tragic realities that migrants, especially children, encounter during illegal migration to the United States, as well as the consequences of attempting to enter the United States illegally.

The *Dangers of the Journey* campaign ran from January through March 2016, including television and radio advertisements in Central America, and social media in Mexico. CBP is working with the Department of State on a new messaging campaign that will contain stronger messaging warning about the negative consequences of illegal entry into the United States.

The Department has been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests and how we can work together on safe repatriation and reintegration efforts.

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In addition, we are offering a safe, legal, and orderly alternative to the dangerous journey to certain minors from El Salvador, Honduras, and Guatemala through the Central American Minors (CAM) Program, an in-country refugee and parole processing program, and we are working to expand refugee processing in the region.

Finally, an important element of deterring illegal entry into the United States includes working to address the root causes of migration. To that end, the Administration is also pleased that Congress allocated \$750 million in FY 2016 funding to support the U.S. Strategy for Engagement in Central America which will help promote a secure, and prosperous region.

Question: You have testified multiple times that sending people home is one of the best ways to deter future unlawful migration to the United States. How can the Department eliminate incentives for unlawful migration to the United States? How does the Department plan to address the 2016 surge at our border?

Response: Since the summer of 2014 we have removed and repatriated migrants to Central America at an increased rate, averaging about 14 flights a week. Most of those returned have been single adults, but Immigration and Customs Enforcement (ICE) has more recently engaged in concerted, nationwide enforcement operations targeting both individuals who entered the country as unaccompanied children who have since turned 18, as well as adults who were apprehended crossing the border with children after January 1, 2014, who are the subject of a final removal order, and who have exhausted their legal remedies and have no outstanding appeal or claim for asylum or other humanitarian relief under our laws. Other aspects of our efforts to address illegal migration from Central America are described in the answer to the preceding question.

Question#:	13
Topic:	Central American Minors Refugee/Parole Program
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Is there anything Congress can do to assist in actual refugee programs in Central America?

Response: The Departments of State and Homeland Security are working to offer expanded access to the U.S. Refugee Admissions Program and other protection mechanisms in the region. The U.S. Government has been engaging other countries in the region, encouraging them to broaden access to protection for refugees from Central America. DHS appreciates Congress's interest in the protection of individuals in the Northern Triangle. An important part of USCIS officer preparation prior to conducting refugee interviews is country conditions training. Interviewing officers benefit from the research and resources identified by the USCIS Refugee, Asylum and International Operations Research Unit, but additional information on the applicant's country of origin from the Congressional Research Service is always of use. You may also wish to consult with the Department of State as to whether it has suggestions for ways in which Congress could assist with refugee programs in Central America.

Question: Regarding the Central American Minors Refugee/Parole Program: please explain how this can be categorized as a "refugee" program if it takes up to six months to process applications. If children were actually refugees, wouldn't they need to be removed from their country immediately?

Response: The U.S. Refugee Admissions Program (USRAP) is continuously looking for ways to cut down processing time within the Central American Minors (CAM) program, given possible safety concerns for applicants, and consistent with security requirements. There are numerous required elements of the CAM processing protocol that prevent it from being a faster process. For example, the qualifying parent and qualifying child must submit DNA for testing (which is often not done in a timely manner); the Resettlement Support Center must pre-screen the case; DHS must conduct in-person interviews; and security checks and medical clearances must be completed for every approved case.

USRAP continues to consider a range of options to expedite processing in the case of a child who is in imminent danger.

The Administration has also been engaging other countries in the region to encourage them to join us in broadening access to protection for refugees from Central America.

Question: How do you respond to claims made by the United Nations High

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Commissioner for Refugees and the Department of State that most children in Central America would not qualify as refugees? Do you agree with or dispute this claim?

Response: USCIS is not aware of the specific reports or statements from UNHCR and Department of State that the question is referring to.

Under the Immigration and Nationality Act (INA), refugee status can be granted to an individual on the basis of past persecution or a well-founded fear of persecution on account of one of five protected grounds: race, religion, nationality, political opinion, or membership in a particular social group. Each element of the refugee definition must be established for an individual to be eligible for a discretionary grant of refugee status.

Each case is decided on a case-by-case basis, following an interview with a USCIS officer, and USCIS follows precedential legal decisions and utilizes country conditions information in determining whether an individual has been persecuted or has a well-founded fear of persecution on account of a protected ground, and otherwise meets the requirements.

Question#:	14
Topic:	BORDERSTAT
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: In your written testimony, you said the Department was working on a project called BORDERSTAT "to develop a clear and comprehensive set of outcome metrics for measuring border security, apprehension rates, and inflow rates." Specifically, what outcome-based metrics is the Department developing to measure and evaluate border security efforts? How do these metrics compare to those outlined in S.1864, the DHS Border Metrics Act?

Response: Beginning in 2015, DHS has initiated a comprehensive border security metrics effort in order to establish an academically defensible methodology, using available data, to develop outcome-focused estimates of illegal border crossing activity. This effort, which DHS calls BorderStat, includes several outcome-based metrics in line with S.1864, the DHS Border Security Metrics Act of 2015. The BorderStat analysis remains at an early stage of development, with preliminary results available only for a subset of these metrics.

The primary focus of the BorderStat analysis to date has been to develop an estimate of the total number of unauthorized immigrants successfully crossing into the United States between ports of entry along the Southwest border. Once this estimate is finalized, DHS expects to be in a position to provide many of the metrics outlined in section 3 of S.1864.

Future BorderStat research is expected to also focus on enforcement outcomes at ports of entry and in the maritime environment, and possibly to estimate illegal drug flows in addition to migration flows. DHS also has begun a related effort to use BorderStat data to examine the impact of specific enforcement strategies on illegal migration flows. To the extent that these additional metrics prove reliable, they will provide insight into many of the other metrics outlined in S.1864.

By their nature, illicit flows are difficult to measure with accuracy. Historically, DHS and its predecessors have responded to this challenge primarily by examining migrant apprehensions as a proxy indicator of illegal migration attempts. An advantage to using apprehensions as a metric is that DHS knows exactly how many apprehensions it completes in a given period; but apprehensions are an imperfect indicator of unlawful entries or of entry attempts. The BorderStat research addresses this ambiguity by estimating actual unlawful entries, meaning its results can be interpreted more directly than data on apprehensions. Yet, in order to describe *unobserved* entries, BorderStat must rely on a model-based estimate, rather than on observation-based estimates. The reliance on a model of illegal migration and on additional data sources that inform the model mean the BorderStat findings are characterized by some degree of uncertainty. For these

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reasons, traditional measures of border security and the new BorderStat research have complementary strengths and weaknesses; and using both BorderStat and traditional data sources provides some deeper insights on trends than does either type of metric in isolation.

Question: Please provide a list of experts with whom the Department is consulting on this project.

Response: DHS has contracted with the Institute for Defense Analyses (IDA), a Federally Funded Research and Development Center (FFRDC), to provide technical support to the BorderStat research. The lead IDA researcher is John E. Whitley, who manages a broader IDA team of empirical researchers. IDA has engaged with numerous outside experts to provide peer review, including Gordon Hanson University of California – San Diego, Joe Chang Homeland Security Studies and Analysis Institute, Ted Alden Council on Foreign Relations, Roberto Suro University of Southern California, Pia Orrenius Federal Reserve Bank of Dallas, Madeline Zavodny (Agnes Scott College), Lindsay Lowell (Georgetown University), Jennifer Van Hook (Penn State), and Catalina Amuedo-Dorantes (San Diego State University).

Question: What entity in the Department is responsible for this project?

Response: The DHS Office of Policy has led the BorderStat research since January 2015, working closely with IDA. Several other entities have contributed resources and/or data since its launch, including DHS MGMT (CFO), CBP, ICE, USCG, USCIS, and NPPD.

Question: What is the timeline for accomplishing this project? How will these outcome metrics be used for future budgetary planning at Customs and Border Protection, Immigration and Customs Enforcement, and Citizenship and Immigration Services?

Response: As noted efforts to date on this project have focused primarily on developing estimates for migrant flows between ports of entry on the Southwest Border. DHS is actively working with IDA and other experts both inside and outside the department to continue refinement of these estimates. Like other major measures estimated by the Federal Government—such as the unemployment rate, the Gross Domestic Product, and Consumer Price Index—DHS will continue to refine BorderStat methodologies and results over time. DHS is aiming to transfer the BorderStat capability (both data collection and analysis) from IDA to the government by 2017.

Valid outcome metrics are useful for informing resource allocation decision-making. In developing resource strategies to strengthen the security of the border, DHS Headquarters

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(PLCY and CFO) is responsible for setting strategic objectives and identifying strategies that cut across DHS Components (and the interagency). The policy decisions include, for example, the balance between investments at and between ports of entry. DHS Components (e.g., CBP, USCG, and ICE) are responsible for setting the component-specific subordinate objectives and intra-component elements of the strategies (e.g., how CBP will prioritize and employ agents and fence). When validated and finalized, the BorderStat estimates should help inform decision-making at both of these levels.

Question: Do you believe outcome-based metrics will lead to a better understanding of the border environment, ultimately allowing the Department to better allocate resources both strategically and operationally?

Response: Yes, DHS is undertaking the BorderStat effort to inform both resource allocation and operational decision-making. The project includes research to better understand the impact of the Department's border enforcement and consequence programs on illegal migration flows—including both known flows and estimated unobserved illegal entries. Once this additional research is complete, it is expected to provide new insights that can inform how DHS allocates resources for its border security mission.

Question: If the Department currently does not have a clear and comprehensive set of such outcome metrics, what metrics does the Department currently use to understand its border security, apprehension rates, and inflow rates? How are such metrics used to determine each relevant component's annual budget?

Response: For many years, DHS and its predecessor have relied primarily on apprehensions as a proxy indicator of illegal crossing attempts, as noted above. DHS subject matter experts have used apprehensions data and ground-level operational observations to help shape strategic-level resource decisions.

DHS also has been working for years, with support from Congress, to develop more refined indicators of border enforcement outputs (i.e., the degree to which border enforcement makes it more difficult for migrants to cross the border illegally and deters behavior) and border enforcement outcomes (i.e., the number of migrants that attempt and/or succeed in crossing the border illegally). The most relevant of these existing metrics, in use since 2014, is the Interdiction Effectiveness Rate (IER). The IER is an observation-based estimate of the share of illegal border crossers detected by the US Border Patrol that is either apprehended or compelled to retreat to Mexico. Thus, IER is calculated as the ratio of apprehensions and detected turn backs to all detected activity (apprehensions, detected turn backs, and detected got aways). The IER provides insight

Question#:	14
Topic:	BORDERSTAT
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

into enforcement outputs, and CBP uses IER data to inform operational decisions across the Border Patrol sectors.

Question#:	15
Topic:	Technology Securing the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Last year, I asked you what technology you have assessed to be the most promising in securing the border. At the time, you had only accepted, deployed, and tested the Mobile Surveillance System.

Please provide an update on any other technology that you have found to be effective in securing the border.

Response: The United States Border Patrol (USBP) employs a wide variety of technology assets that collectively contribute to the effectiveness of border security operations. These assets enhance USBP capabilities to detect, identify, classify, track, respond, and resolve illegal entries. Below are examples of current fixed and mobile capabilities.

Fixed Technology

- Integrated Fixed Towers (IFT)
 - IFT systems provide long range persistent surveillance (camera and radar). They detect and track without operator intervention, and enable control room personnel to identify and classify activity using video feed.
- Remote Video Surveillance Systems (RVSS)
 - RVSS provides short, medium, and long range persistent surveillance. They enable a control room operator to remotely detect, and to a limited extent track, identify, and classify functions using the video feed.

Mobile Technology

- Mobile Surveillance Capability (MSC)
 - MSC is the next generation mobile surveillance unit capable of providing long range surveillance through a suite of sensors (radar and camera) mounted on 4X4 vehicles. An agent deploys with the vehicle to operate the system.
- Mobile Video Surveillance System (MVSS)
 - MVSS provides short and medium range mobile surveillance consisting of a suite of camera sensors mounted on 4X4 vehicles. MVSS enables an

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Topic:	Technology Securing the Border
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operator deployed with the system to detect and to a limited extent, track, identify, and classify functions using the video feed.

- Agent Portable Surveillance System (APSS)
 - APSS provides medium range mobile surveillance and consist of a suite of sensors mounted on a tri-pod. Three to five personnel transport the equipment on foot, by horse, or via ATV.

Intrusion Detection Technology

- Unattended Ground Sensor (UGS)
 - UGS provide persistent and agent portable surveillance systems to enhance border security detection capabilities. These sensors support the need to detect, and to a limited extent, track and identify tasks. Sensor capabilities include seismic, passive infrared, acoustic, contact closure, and magnetic.
- Imaging UGS
 - I-UGS or Imaging Sensors (IS) are a specific type of unattended ground sensor with an integrated camera and the ability to transmit images or video back to the operations center.
- Trip Wire (Buried Fiber Optic Cable/Sensor)
- Handheld Thermal and Infrared Imagers
 - Handheld night imaging sensors provide a light weight device to enhance border security when mobile or fixed technology is not possible due to a variety of reasons. Handheld imagers have been utilized for many years by agents and officers. They provide the ability to deploy a highly capable technology to numerous personnel needing night vision for covert operations.

Re-Utilization of Department of Defense Technology

- Tactical Aerostats and Relocatable Towers
 - Tactical Aerostat Systems are ideal for quick inflation and rapid deployment. Carrying useful, lightweight payloads, they offer a stable platform for communications and surveillance.

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- Relocatable surveillance towers offer a surveillance capability (camera and radar) that provides flexibility to deploy rapidly to meet the mission needs of changing enforcement posturing. The towers are able to move with the changes seen in shifting threats.

Technology assets such as integrated fixed towers, remote video surveillance systems, mobile surveillance units, unattended ground sensors, and thermal imaging systems, among others, act as force multipliers increasing situational awareness, agent efficiency, and overall operational capability to respond to potential threats.

Question: Where would additional fencing along the southwest border assist Border Patrol agents in securing the border? Please provide the type of fencing, the number of miles needed, whether the fencing should be single-layered or double-layered, and the specific locations.

Response: Additional fencing would assist Border Patrol agents in securing the border at areas where there is a gap in impedance and denial. Border Patrol uses the Capability Gap Analysis Process (CGAP) to identify impedance and denial gaps and determine the requirements best suited to remedy those gaps.

Current fence requirements consist of replacement of approximately 65 miles of legacy border fence across San Diego, El Centro, El Paso, Yuma, and Tucson Sectors. This fence was constructed prior to the 2007-2008 fence programs and consists mostly of landing mat, wire mesh, and chain link. This fence has no subsurface support structure and is maintenance intensive. At this time, there are no requirements for new double layer fence.

CBP utilizes a standard fence design for pedestrian and vehicle fence. The type of fencing to be constructed depends on the specific operational needs and characteristics of the area. For each individual area, solutions are selected from the "Fence Toolbox" to suit the type of environment (urban, rural, or remote) and its geographic and climatic characteristics (hills, rivers, mountains, forest, desert, etc.). In the past, CBP has constructed two types of fence along the Southwest Border: pedestrian fence and vehicle fence. Their placement depends on the threat at the location and the operational needs of Border Patrol.

Question#:	16
Topic:	Reduction of DOD Flight Hours
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: During a February 4, 2016, House Judiciary Committee hearing, Texas Department of Public Safety Director, Steven C. McCraw, testified, "[The Department] requested a fifty percent reduction of persistent aerial detection, situational awareness, and monitoring support for Operation Phalanx from the Department of Defense [DOD]." Yet, at a February 24, 2016, House Committee on Appropriations budget hearing, when Congressman Cuellar asked you about such reduction you responded that the reduction would actually only be five percent in part because of the addition of Customs and Border Protection (CBP) capabilities.

What specific capabilities has CBP added to justify the reduction of DOD flight hours?

Response: US Customs and Border Protection, Air and Marine Operations (AMO) adjusts its aircraft and personnel deployment to best meet existing and emerging mission needs. Over the past several years, AMO has increased its UAS presence in the South Texas area of responsibility (AOR) as well as maintained a manned aircraft presence large enough to counter the threats in the area. In 2010 AMO identified the emerging threat in South Texas and began resourcing with assets, personnel, and aircraft flight hours to address the change in operational environment.

The following is a summary of increased operational capability in the south Texas area

- 56% increases in personnel
 - In 2010 43 AMO personnel were assigned to McAllen and Laredo.
 - In 2015 67 AMO personnel are assigned to McAllen and Laredo.
- 53% Increase in Aircraft
 - In 2010 17 aircraft were permanently stationed in McAllen and Laredo.
 - In 2015 23 aircraft permanently stationed in McAllen and Laredo.
 - In addition, there were no Unmanned Aircraft (Predator) in South Texas in 2010
 - In 2015 3 UAS Unmanned Aircraft (Predator) are permanently stationed in Corpus Christi flying in the South Texas area.

Question#:	16
Topic:	Reduction of DOD Flight Hours
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
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Committee:	HOMELAND SECURITY (SENATE)

- 83% increase in Flight Hours
 - In 2010 6,961 hours were flown by AMO aircraft in McAllen and Laredo
 - In 2015 12,721 hours were flown by AMO aircraft in McAllen and Laredo

Question: Today, are there any flight hour shortages for aerial detection, persistent surveillance, or monitoring support that remain? If so, how many flight hours is CBP lacking to accomplish the mission tasks mentioned above?

Response: AMO is in the process of collecting Flight Hour Requirements to inform the allocation of resources in the near term, and conducting an analysis of the capability gaps that exist for future planning. The result of these efforts is a better idea of the needs of AMO and sister components—not just in terms of flight hours, but also in terms of additional assets and personnel.

Question: Additionally, is the Department currently exploring any low cost technologies to address aerial detection, persistent surveillance, or monitoring support in FY 2016? If so, provide a list of those technologies. If not, does the Department plan on evaluating any technologies in FY 2017?

Response: AMO plans to evaluate a radar-based Moving Target Indicator Sensor onboard the Multi-Role Enforcement Aircraft in FY 2017. The radar is expected to use its ability to identify changes in the earth's surface (foot prints/tire tracks) to locate vehicular and non-vehicular movement in remote border regions. This radar will complement the strategic capabilities of the VaDER system with a lighter and less capable system ideal for aircraft flying at lower altitudes with less payload capacity, such as the MEA.

Question#:	17
Topic:	Office of Community Partnerships
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Department has a new Office of Community Partnerships, which was announced in September 2015. This office will administer, through the Federal Emergency Management Agency (FEMA), \$10 million of grants, appropriated in the FY2016 omnibus bill. FEMA has a history of awarding programs that do not pay clear dividends for strengthening United States national security and also of allowing funds to languish in unused accounts.

How will the Office of Community Partnerships audit the funds it administers through FEMA to ensure they are used and used properly - to counter violent extremism?

Response: The FY2016 omnibus bill provided \$10 million for a countering violent extremism initiative. The funding will be provided competitively directly to states, local governments, tribal governments, non-profit organizations, and institutions of higher education. The Office for Community Partnerships (OCP) leads the department's efforts to counter violent extremism by providing tools to stakeholders in local communities, coordinates other CVE activities of the Department, and hosts the Inter-Agency CVE Task Force charged with coordinating all Federal domestic CVE activities. In this role, OCP is providing CVE subject matter expertise on the CVE initiative funding and FEMA is providing expertise on the mechanics of grant award and financial accountability. OCP is defining the purpose, allowable activities, selection criteria, and other application guidelines for the initiative. OCP and other CVE experts will be involved in recipient selection and in evaluating the success of funded activities. This is a similar construct as DHS' Port Security Grants and Transit Security Grants, where the United States Coast Guard and the Transportation Security Administration, respectively, provide subject matter expertise.

Question: What metrics will be used to determine whether the program is strengthening United States national security and countering violent extremism?

Response: The grant funding is an integral part of the Department's overall CVE strategy which calls for several categories of metrics, including spurring CVE efforts outside of the Federal Government, measuring the reach of CVE activities in person and online through sentiment analysis, and increased resiliency to the threat. The funding will be available to support a wide range of activities that benefit prevention of radicalization to violence and each funded project will be evaluated, in part on the metrics proposed in each application.

Question#:	17
Topic:	Office of Community Partnerships
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: How many individuals does the Department plan to have working on the mission of countering violent extremism full-time in FY2017? Please identify the relevant component, position, and pay grade of each individual dedicated full-time to this mission.

Response: The majority of the positions that are dedicated to CVE full-time are in the Office for Community Partnerships. The Office for Community Partnerships requests 16 FTP and 16 FTE in FY 2017. DHS components have a number of individuals working on CVE in various capacities totaling an additional 8-10 FTE.

Question#:	18
Topic:	CVE Task Force Management
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Two examples of outreach that will be performed by the Countering Violent Extremism Task Force, housed at the Department and jointly managed with the Department of Justice, are Community Resilience Exercises and Community Awareness Briefings.

How will these exercises, briefings, and other activities be funded?

Response: DHS is working with the other members of the Interagency CVE Task Force on scaling up these outreach activities by developing a train-the-presenter curriculum for the Community Awareness Briefing (CAB), which involves local law enforcement being trained to present the CAB to their colleagues and local communities. This effort is funded in part by the FY 2015 reprogramming to the Office of Partnerships and Engagement (OCP). The existing activities, which include Community Resilience Exercises, are funded out of requested budgets in OCP, the DHS Office for Civil Rights and Civil Liberties, the National Counter Terrorism Center (NCTC) and potentially other resources from other members of the Task Force.

Question: How much funding is required to maintain current levels of engagement regarding these activities? What is the funding level for the optimal level of engagement?

Response: The funding to maintain the level of engagement that is planned for FY 2016 at DHS is reflected in the FY 2017 request for the Office for Civil Rights and Civil Liberties, the Office for Community Partnerships, and FEMA State and Local Programs. The request for the Office for Community Partnerships also includes efforts that could exponentially increase engagement by supporting efforts by states, local government, tribal governments, and others through technical assistance, grant funding, peer-to-peer engagement, and online outreach. The FY 2017 budget request for FEMA State and Local Programs includes funding for CVE grants that will support, among other things, greater community engagement by state and local government, community non-profit organizations, and institutions of higher education.

Question: What metrics will be gathered from such exercises to determine whether the program is strengthening United States national security and countering violent extremism?

Response: The Office for Community Partnerships is exploring ways to standardize a feedback process when engaging with stakeholders that protects privacy. Information

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Topic:	CVE Task Force Management
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such as number of participants, convening organization, stakeholder type, date, and location will give a sense of the geographic range of engagement efforts and the amount of people reached. Feedback surveys accompanying each activity will investigate the level of resiliency and information gained from the interactions, as well as if the activities are perceived as useful to the participants.

Question#:	19
Topic:	S&T Budget Request
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Science and Technology Directorate (S&T) faces the challenge of allocating its tight fiscal resources across a wide range of project types and ideas. The FY2017 budget request for research and development is \$436.9 million.

How much of S&T's research and development portfolio for FY2016 was allocated to projects that will largely benefit or be used by customers outside of the Department?

How does S&T determine whether to fund projects that might otherwise be filled by the private sector or other R&D entities?

Response: As the primary research and development (R&D) arm for the Department, S&T supports end users across the broad and diverse mission areas of the Department. All of S&T's R&D projects target homeland security requirements. Most of the portfolio is tied to technological capability gaps and project requirements provided by DHS Components and operational end users within the Department. S&T recently completed the first cycle of the Department's Integrated Product Team process, part of which involved Component validation of ongoing R&D against Components' prioritized technological capability gaps.

Although the majority of R&D is tied to DHS Components, in some cases, homeland security missions and stakeholders extend outside the Department. For example, one recent project, the Radio Internet-Protocol Communications Module (RIC-M), is a low-cost interoperability solution that allows analog systems to interface with digital systems. While this benefits DHS Components, it primarily enables first responder agencies to incrementally upgrade and affordably connect legacy systems with newer ones, averting a costly need to refresh entire systems at once and saving the first responder community millions of dollars. Although the primary beneficiaries are non-federal first responders, improved communications and better interoperability help safeguard our communities and fall squarely within the Department's and S&T's missions. In addition to first responders, biodefense (with numerous interagency stakeholders) and cybersecurity (where most critical infrastructure is privately owned and operated) are further examples of necessary homeland security R&D investments, even though the primary customer or end user may ultimately be outside DHS.

Question: How does S&T determine whether to fund projects that might otherwise be filled by the private sector or other R&D entities?

Question#:	19
Topic:	S&T Budget Request
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Response: S&T's R&D projects are grounded in hundreds of technological capability gaps provided and prioritized by end users through mechanisms like the Integrated Product Team process or, for first responders, S&T's First Responder Resource Group. As these gaps are updated or re-prioritized and new potential investments emerge, S&T's first considerations for any new project are what is possible (i.e., within budgetary constraints and weighted priorities) and where a potential investment would be most beneficial. This requires a grasp of specific marketplaces and how those marketplaces may shape adoption of a new technology or method. If private sector markets and other R&D sources are meeting a specific homeland security need, then there is less need for S&T to invest its limited funds in that specific area. S&T project managers have numerous tools and support functions available—including technology scouting resources like patent searches, venture capital analyses, and market trend evaluations—that ensure the government invests appropriately and incentivizes development only when private markets otherwise would not.

Additionally, S&T is leading a departmental pilot initiative to develop a pipeline of non-traditional partners (e.g., start-ups) to accelerate research and innovation around homeland security priorities. S&T's first investment cycle in this initiative focuses on the Internet of Things. Even though private investment in the Internet of Things is high, S&T's subject matter experts recognized that current investments do not sufficiently address the security of resulting Internet of Things infrastructure and the need to protect potential users. S&T's first award to Pulzze Systems Inc., a start-up in Santa Clara, CA, supports a solution that detects devices as they connect or disconnect from network infrastructure. It also sees how devices communicate and what they are communicating with. This example demonstrates how an S&T investment incentivized the development of solutions for homeland security needs (in this case, securing networks that will eventually include sensitive oil pipelines, border monitoring assets, or airport screening systems) in an area that private markets were not adequately addressing.

Question#:	20
Topic:	BioWatch Request
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2017 request for the BioWatch program is approximately \$82 million. As you know, BioWatch was largely borne of out of a concern about state actors executing a widespread biological attack. It is my understanding that the Department's own biological threat assessments now focus on several smaller, more likely attack routes rather than a single, unlikely catastrophic event. Additionally, the Government Accountability Office has raised important concerns about whether the BioWatch system can demonstrably complete its mission.

What steps has the Department taken to assess the continued need for this program?

Response: The BioWatch Program is the Nation's only biodetection capability that provides early warning and facilitates preparedness in 30+ jurisdictions that were selected based on their risk for a devastating biological attack. Early warning of a biological attack provides critical time before symptoms manifest in the public - a critical window of time in order to dispense lifesaving medical countermeasures. BioWatch was fielded in 2003 in response to concerns over potential attacks on densely populated American cities with aerosolized biological agents. There is no other program that provides this layer of biological defense for our most at-risk cities.

Outward signs and symptoms of a biological attack may emerge slowly and, in some cases, too late for the most effective actions to save lives and reduce damage. The value of early warning was confirmed by The National Strategy for Biosurveillance:

Biosurveillance - including early detection - is one of our first lines of defense against these threats. (...) The sooner we can detect and understand a threat, the faster we can take action to protect the American people. (...) The effective dissemination of a lethal biological agent, for instance, could endanger the lives of hundreds of thousands of people and result in untold economic, societal, and political consequences.¹

Through accurate early detection and rapid notification, BioWatch provides decision makers with the information at the earliest possible time to enable a coordinated and effective response. BioWatch is part of the Nation's broader biosurveillance framework, and is a critical link in a multi-layered defense that starts with early detection of an

¹ National Strategy for Biosurveillance, July 2012

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Topic:	BioWatch Request
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organism, and includes surveillance that tracks the onset of disease and effectiveness of consequence response actions, such as distribution of medical countermeasures (MCM).

Question: When was the last time the Department assessed whether BioWatch should continue to exist? What were the results of such analysis?

Response: An April 2014, Acquisition Decision Memorandum confirmed that the current operational BioWatch program will continue to be the program of record for aerosol biological threat detection. The memo also called for continued improvements by DHS S&T and OHA in the technologies applied to BioWatch operations. BioWatch and S&T are advancing plans that will bring near-term enhancements in FY 18, with mid- and long-term enhancements to follow.

In addition, DHS sponsored an Analysis of Alternatives (AoA) for the BioWatch program. The AoA was performed by The Institute for Defense Analyses (IDA), and completed in January 2014. In regards to the continued need for BioWatch, the AoA found that:

[W]hile the overall risk of a biological attack is uncertain, that risk has not changed measurably since 2001. If a biological attack occurs, the risk of that attack being aerosolized is high. (...) Insofar as there is a requirement for earlier warning and detection, employment of a biosensor system according to planned CONOPS, with appropriate response by decision-making authorities and timely engagement by public health officials would yield fewer casualties and potentially non-quantifiable benefits including forensic samples, rapidly confirmable information, situational awareness and characterization, and improved planning and preparedness.

Question#:	21
Topic:	National Biosurveillance Integration Center
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2017 request for the National Biosurveillance Integration Center is \$7.7 million, a \$2.6 million decrease from FY2017. In November 2015, the Government Accountability Office (GAO) released a report finding that the products of the National Biosurveillance Integration Center (NBIC) were of little value to the key public health agencies in the federal government.

How does the Department assess the ongoing need for NBIC?

Response: Congress authorized the National Biosurveillance Integration Center in 2007 to integrate and analyze data relating to human health, animal, plant, food, and environmental monitoring systems. The Government Accountability Office (testimony from Chris Currie before the House Committee on Homeland Security on February 11, 2016), the White House (*National Strategy for Biosurveillance, 2012*), the Blue Ribbon Study Panel on Biodefense (*A National Blueprint for Biodefense, 2015*), Homeland Security Presidential Directive 21, and others have also consistently recognized the need for and importance of achieving integrated biosurveillance.

Similarly, DHS sees integrated biosurveillance activities as a crucial homeland security imperative. NBIC regularly collaborates and coordinates with federal partners in the interagency community, including key public health agencies, to provide situational awareness of key biological events on a daily basis. These reports provide a valuable cohesive picture, particularly for stakeholders without a biodefense mission but whose operations may be impacted by biological incidents. NBIC fields requests from federal partners for information during ongoing biological incidents and delivers tailored reports for significant events requested by local partners that are evidence of ongoing demand for integrated information products that NBIC provides. NBIC leverages its governance boards (the Advisory Board and NBIC Interagency Working Group), interagency liaisons across Federal agencies, and regularly conducts surveys to federal partners to better assess its progress, improvements, and future capabilities.

Question: When is the last time the Department assessed whether NBIC should continue to exist? What were the results of such analysis?

Response: There is general consensus regarding the need for integrated biosurveillance as evidenced within the 2015 GAO report, the White House *National Strategy for National Biosurveillance 2012*, the Blue Ribbon Study Panel on Biodefense *A National Blueprint for Biodefense, 2015*, and Homeland Security Presidential Directive 21. Further, NBIC carefully considers the recommendations within these reports and

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implements improvements as acknowledged by GAO in its recent report on evaluating progress since earlier evaluations.

NBIC regularly collaborates and coordinates with federal partners in the interagency community to provide situational awareness of key biological events on a daily basis. NBIC leverages its governance boards (the Advisory Board and NBIC Interagency Working Group), interagency liaisons across federal agencies, and regularly conducts surveys to Federal partners to better assess its progress, improvements, and future capabilities. In response to the last Federal Survey, NBIC instituted significant changes to its report format and content that has been met with great favorability among the interagency as well as state, local, tribal and territorial partners. NBIC regularly assesses how to most effectively and efficiently meet its requirements. The Department recognizes the ongoing need for continued integrated biosurveillance across the interagency community. As with all of its programs, DHS regularly assesses its programs through resource allocation decisions in its annual budget cycle.

Question: How is the FY2017 budget request for NBIC responsive to the critique in GAO's review of NBIC?

Response: The FY2017 budget includes funding for several initiatives which will address challenges identified by GAO. Addressing these challenges includes: working with the Department of Veteran's Affairs on a proof-of-concept to demonstrate interagency information sharing and integration; leveraging interagency efforts to utilize limited resources efficiently (such as the Department of Defense's Biosurveillance Ecosystem (BSVE) effort); and providing interagency access to advanced biosurveillance tools the Center develops, including Biofeeds. Biofeeds is an advanced integration system designed to streamline the collection of open source information. With its implementation, NBIC can more efficiently capture, track, analyze, and visualize biological event reporting, and disseminate key information to its partners more rapidly.

As the Center develops the FY18 and future year requests we will work to incorporate additional efforts responsive to the report.

Question#:	22
Topic:	FEMA Preparedness Grants
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Department has chosen to deprioritize the Federal Emergency Management Agency preparedness grants by \$642 million. These funds could be used by communities such as Garland, TX, Chattanooga, TN, and San Bernardino, CA, each of which has experienced a recent terror attack.

Why has the Department decided to deprioritize grants to state and local governments?

Response: In the context of government-wide spending limits imposed by the Budget Control Act, prior funding dedicated to preparedness grants in the 15 years since the 2001 terrorist attacks, and the progress made in building preparedness across the nation during that timeframe, the Administration is proposing a combined \$460,000,000 (35%) reduction to the preparedness grant programs (see table below).

**State and Local Programs
Grants Programs**
Dollars in Thousands

Activity/Office	FY 2015 Revised Enacted	FY 2016 Enacted	FY 2017 Request	FY 2017 +/- FY 2016
State Homeland Security Grant Program	\$467,000	\$467,000	\$200,000	(\$267,000)
Port Security Grant Program	\$100,000	\$100,000	\$93,000	(\$7,000)
Transit Security Grant Program	\$100,000	\$100,000	\$85,000	(\$15,000)
Urban Area Security Initiative	\$600,000	\$600,000	\$330,000	(\$270,000)
Countering Violent Extremism (CVE)	-	\$50,000	\$49,000	(\$1,000)
Regional Competition Grant Program	-	-	\$100,000	\$100,000
Total Budget	\$1,267,000	\$1,317,000	\$857,000	(\$460,000)
Positions	-	-	-	-

The President's Fiscal Year 2017 budget proposal reflects difficult decisions among competing priorities across the DHS portfolio. As funding for grant programs began to decline in Fiscal 2012, the Department emphasized that state and local governments should use their grant funding to sustain the capabilities they built over the past 15 years with federal grant funding rather than invest in new capabilities that will be difficult to sustain in the future.

Question#:	23
Topic:	Unspent Grant Funding
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: According to information provided by FEMA to the Committee, over \$3.7 billion in prior year preparedness grant funding remained unspent as of January 31, 2016, a significant backlog. What are the primary reasons grantees give for not spending their allocations? How does FEMA consider this information as it determines its budget request each year?

Response: The primary reasons for delay in expenditure of grant funds are because the funds are drawn down periodically on a reimbursable basis and many investments take from several months to over a year before they are started. Such delays are inherent to the grants management process and are not necessarily indicative of poor grants management or a reduced need for funding. Preparedness grants are awarded on an annual basis but grantees are allowed a three-year period of performance. The three-year period of performance promotes effective grants management, providing grantees the time necessary to complete the required planning, acquisition, and execution of projects. Additionally, because the funds are drawn down on a reimbursable basis, the unexpended balances remain high during the first year into the period of performance. As of April 30, 2016, of the reported \$3.7 billion balance, \$1.4 billion of that balance is from awards issued within the past year and \$2.7 billion of the balance is from awards issued within the past two years. Unexpended balances are not an indicator of lack of need, and therefore not a consideration for determining the budget request each year. We typically see significant draw down of awards in the year the period of performance ends, as large projects or equipment purchases come to a close and grant recipients expend funds and request reimbursement. For some projects, such as equipment, a grant recipient does not expend full funding until items are delivered satisfactorily, which is a sound approach to managing resources.

Question#:	24
Topic:	South American Aviation Security Partnerships
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: In light of the upcoming Summer Olympics in Brazil:

What efforts has the Transportation Security Administration (TSA), including through the Federal Air Marshals Service, made to secure agreements with South American countries to establish or enhance existing aviation security partnerships, particularly in airports that serve as a last points of departure for flights bound to the United States?

Please list the partnerships TSA has in the region and whether the agency has a Memorandum of Understanding or Memorandum of Agreement with the host country.

Response: The Transportation Security Administration strives to secure Memoranda of Agreement (MOAs) regarding the deployment of In-Flight Security Officers (IFSOs) with all of its international partner countries. Currently there are 12 independent countries, and 3 dependent countries in South America that serve as last points of departure for flights bound to the United States.

TSA's Office of Law Enforcement/Federal Air Marshal Service, in coordination with the TSA Office of Global Strategies (OGS), and the Department of State, are, as of the date of the hearing, nearing the final stages of securing an agreement regarding the deployment of IFSOs with Brazil, the host country for the 2016 Summer Olympics.

In addition to a potential agreement with Brazil, TSA currently has a Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), or Local Agreement regarding the deployment of IFSOs with eight other countries or territories in the region. Negotiations towards MOUs or MOAs are in process with several other countries. An MOA is binding and final, an MOU is non-binding and final (but leaves open the possibility of negotiating further to conclude an MOA if both countries choose to pursue one), and a Local Agreement is non-binding and informal (and leaves open a possibility of negotiating an MOU or an MOA if both countries so choose).

A list of countries with an MOU, MOA, or Local Agreement regarding the deployment of IFSOs is Sensitive Security Information. TSA is able to provide these in a separate response, if requested.

Question#:	25
Topic:	Secret Service's Human Capital Plan
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: According to the Secret Service's Human Capital Plan, the Service plans to onboard over 700 people per year from FY2017 to FY2019.

How much of the FY2017 budget is dedicated to hiring the contract human resource staff necessary to process this unprecedented number of hires?

Response: \$6,000,000 is allocated to support staffing contracts.

Question: How does the Service plan to validate whether workforce staffing model projections are accurate in providing numbers that will right-size the Service?

Response: The Secret Service will contract with a third party to provide an independent validation of its staffing allocation model. This effort is being coordinated through DHS Program Analysis and Evaluation (PA&E), with established timelines/milestones, and will be similar in scope and effort to the validation of U.S. Custom and Border Protection's Workload Staffing Model conducted in 2010. A contract award is expected on or about June 1, 2016, and evaluation/validation (with final report) is expected to be completed prior to October 1, 2016

Question: If 12 Special Agent (SA) and 13 Uniformed Division (UD) classes will be needed in FY2016 to onboard only 406 new positions, how does the Service plan to onboard 700 people in FY2017 with only 7 SA and 8 UD classes? Does this mean that most of the hires in FY2017 will be administrative, professional, or technical?

Response: The 406 cited is projected position growth (target hiring minus projected attrition) in FY 2016 and does not reflect an onboard total for the period. With current FY 2016 attrition projections, the Secret Service will onboard over 800 positions to reach this projected growth in onboard count.

The Secret Service's Human Capital Plan (HCP) identified a growth of 900 positions (300 positions per year) for the three-year period FY 2017 – FY 2019. Thus, when accounting for projected attrition, the Service will need to onboard about 700 positions per year during this period to reach growth targets.

The HCP, while not a formal budget request, takes into account budgetary constraints in the FY 2016 President's Budget and identified a mission-based requirement of 7,600 positions by the end of FY 2019. Reaching this target by FY 2019 was not constrained by budget considerations beyond FY 2016, and the onboarding of 700 annually was

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identified based on attrition and hiring projections. The FY 2017 budget request supports 6,705 FTE and 6,772 positions (an increase of 224 FTE and 58 administrative, professional, and technical (APT) positions) and includes 7 SA and 8 UD classes based on achieving FY 2016 enacted levels (6,481 FTE/6,714 positions).

Any staffing target shortfall resulting from increased attrition and/or not reaching full hiring goals in FY 2016 will provide capacity to hire more SA/UD classes and APTs in FY 2017.

Question#:	26
Topic:	Coast Guard Sexual Assault Investigations
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Coast Guard's FY2017 budget requests an increase of \$2 million and 28 positions for military justice reorganization related mainly to sexual assault investigations.

Why is there such a significant change in the projected number of attorneys required to prosecute sexual assault cases in 2017?

Response: The Coast Guard's budget request increases prosecution, defense, and judicial capacity to address an increasing military justice caseload and respond to Congressionally-mandated changes in military criminal law. Over the past three years, the Coast Guard has experienced a significant increase in the number of complex cases. At the same time, Congress has enacted changes in the law and procedures that apply to courts-martial.

Question: Is the Coast Guard seeing an increasing trend of sexual assault incidents?

Response: Over the past 3 years the Coast Guard has seen an increase in the number of sexual assault reports. The Coast Guard carefully analyzes these trends in sexual assault reporting as a part of our efforts to ensure comprehensive and effective sexual assault prevention and response. The Coast Guard assess that some of the increase in reports during this period is attributable to the actions undertaken to encourage victims to report incidents of sexual assault.

Question#:	27
Topic:	National Security Cutter
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Government Accountability Office's recent report (GAO-16-148) concerning the National Security Cutter (NSC) indicates that NSC performance issues have resulted in the NSCs operating in a degraded condition and spending fewer days away from homeport than planned. The total of cost for retrofits and design changes to repair the NSCs amounts to \$202.1 million. However, the Coast Guard's budget only requests \$127 million for these activities.

How much of the \$127 million will go towards implementing necessary design changes, and which hulls will be repaired in FY2017?

Response: Of the \$127 million requested in FY 2017 for the National Security Cutter (NSC), approximately \$11 million is allocated to address a portion of the changes cited in Table 6 (page 28) of GAO report 16-148 entitled "Enhanced Oversight Needed to Ensure Problems Discovered during Testing and Operations Are Addressed".

This table is replicated below:

**Table 6: Retrofits and Design Changes on the National Security Cutter Class
Costing over \$1 Million as of June 2015**

Retrofits and design changes	Estimated Cost (\$M)
C4ISR upgrade	\$88.5
Structural enhancements	\$38
Gantry crane that aids in launching small boats from stern ramp	\$31
Side davit crane for small boat operations	\$12.5
Upgrade communications	\$12.3
Upgrade cutter monitoring system	\$6.3
Upgrade two ammunition hoists	\$6.3
Remove Aircraft Ship Integrated Secure and Traverse tracks in flight	\$5.6
Breathing apparatus replacement	\$1.6
Total cost	\$202.1

Within the \$11M, the following retrofits and upgrades will be completed: NSC 6 ammunition hoists, NSC 6 and 7 gantry crane and side davit, NSC 7 and 8 communications system, and NSC 7 cutter monitoring system.

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Topic:	National Security Cutter
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: When will the remaining hulls be repaired?

Response: Systems to be retrofitted or upgraded:

- Structural Enhancement: NSC 1 will begin its Structural Enhancement Drydock Availability (SEDA) in Q4 FY 2016 and is scheduled to be completed Q4 FY 2017. NSC 2 SEDA is anticipated to be complete by Q4 FY 2018. The structural changes were already incorporated into production starting with NSC 3.
- Gantry Crane and Side Davit Replacements:
 - NSCs 3 and 4 are completed.
 - NSCs 1 and 2 will be completed during their respective SEDA periods.
 - NSCs 5-9 will be completed during their respective second Post Shakedown Availability (PSA) following delivery. The second PSA is completed within two years of delivery.
- Ammunition Hoist (Close-In Weapon System (CIWS) and 57mm Gun) Upgrade: The upgraded CIWS and 57mm ammunition hoists were installed on NSCs 3 and 4. Installation on NSC 5 is planned during its second PSA, which is scheduled to be complete by January 2017. A precise date for the installation on NSCs 6-9 has yet to be determined but if not incorporated into production will occur after delivery. Installation will occur on NSCs 1 and 2 during the next availability following their respective SEDA periods.

System Upgrades:

- C4ISR upgrade installation:
 - NSC 1: To be completed during SEDA.
 - NSC 2: Completed.
 - NSC 3: Planned FY 2017 maintenance period.
 - NSC 4: Currently undergoing installation, scheduled to be completed in May 2016.
 - NSC 5-9: Incorporated into production.
- Communications Upgrade:
 - NSC 1: To be completed during SEDA.
 - NSC 2: Completed.
 - NSC 3: Planned FY 2017 maintenance period.
 - NSC 4: Currently undergoing installation, scheduled to be completed in May 2016.
 - NSC 5: Upgrade will occur during second PSA commencing May 2017 and is scheduled to be completed in January 2018.

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- NSCs 6-9: Upgrade will occur during PSA following delivery.
- Cutter Monitoring System Upgrade (Machinery Control & Monitoring):
 - NSCs 1-5: Completed.
 - NSCs 6-9: Upgrade will occur during PSA following delivery.
- Remove Aircraft Ship Integrated Secure and Traverse (ASIST) tracks in flight deck:
 - NSC 1: To be completed during SEDA.
 - NSC 2: To be completed during SEDA.
 - NSC 3: Completed.
 - NSCs 4 through 9: Delivered from the shipbuilder without ASIST.
- Breathing Apparatus replacement:
 - NSCs 1-5: Completed.
 - NSCs 6-9: Completed during production.

Question: If changes for all hulls will not be planned at the same time, do you envision that the final cost will be more than \$202.1 million? If so, what are the projected costs?

Response: As indicated above in responses to Parts 1 and 2 of this response, these changes will not take place at the same time.

No final costs are expected to exceed those in Table 6 except for SEDA, which was awarded after the GAO report in February 2016. The total value of the SEDA contract, including all options, is \$70.6 million, \$33 m more than reflected in the GAO table under Structural Enhancements.

Question: Will the permanent increase in crew size for the NSC have any other budgetary impacts besides the \$6.1 million line item increase for 125 positions? In other words, will there be any budgetary impact as far as changes to berthing, homeporting requirements, support personnel, etc. If so, please explain those impacts.

Response: Increasing NSC crew size to 126 will not have any ancillary budgetary impacts (e.g., changes to berthing, homeporting etc).

Question#:	28
Topic:	Homeland Security Investigations
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The FY2017 request for Homeland Security Investigations (HSI) is \$2.1 billion. Information provided by Immigration and Customs Enforcement to the Committee shows that HSI agents spend a significant amount of time on criminal investigations that may be in the purview of other federal law enforcement agencies.

How does ICE HSI prioritize and allocate its resources?

Response: U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) conducts investigations to protect the United States through criminal enforcement against terrorist and other transnational criminal organizations that threaten public safety and national security, and brings to justice those seeking to exploit our customs and immigration laws worldwide.

ICE HSI prioritizes and allocates its investigative resources by examining vulnerabilities in trade, immigration, and threat analysis. The threat analysis takes into consideration any imminent threat to national security and/or public safety; any imminent threat within a specific geographic area; and any operational priorities set by the White House, the Secretary of Homeland Security, the Director of ICE, or Congress.

Question: Describe how ICE HSI determines whether to allocate resources to investigations in categories such as drug smuggling, cyber-related crime, and gang activity, when such criminal activity can be investigated by other federal agencies?

Response: Following passage of the Homeland Security Act of 2002, ICE was established as the largest investigative arm of the Department of Homeland Security. Charged with executing the interior enforcement mission of the former U.S. Customs Service and the Immigration and Naturalization Service, ICE is vested with all of the investigative authorities previously held by both of those former agencies. As a border enforcement agency, ICE HSI may utilize numerous federal statutes and regulations, and has the authority to investigate cross-border crimes related to illicit trade, travel, immigration, and finance. ICE HSI is also the principal criminal investigative agency for U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS), responsible for conducting criminal investigations in furtherance of deterring criminal conduct and promoting voluntary compliance of the programs under both CBP and USCIS purview.

ICE HSI prioritizes the allocation of its resources with the goal of disrupting and dismantling transnational criminal organizations with a focus on the most significant

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Topic:	Homeland Security Investigations
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threats to the safety and security of the American people. While other federal agencies' investigative portfolios may overlap, no single entity can tackle global criminal enterprises alone. Rather, it requires a multi-agency, multi-national, and layered approach. To that end, ICE HSI forges strong and cooperative relationships and works closely with federal, state, local, tribal, and international partners toward the mission to uphold border security, public safety, and protect national security.

**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Kelly Ayotte**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	29
Topic:	Interdiction at the Southern Border
Hearing:	The Homeland Security Department’s Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: New Hampshire, like many states in the nation, confronts a serious heroin and fentanyl epidemic. Heroin and fentanyl, which is a powerful analgesic estimated by the Drug Enforcement Administration to be 50 times more powerful than heroin, continue to be produced in and transit through Mexico, across the border, and into communities throughout the United States. In 2015, New Hampshire experienced over 420 fatal drug overdoses-157 of which could be attributed to fentanyl, 32 to heroin, and 43 to a combination of heroin and fentanyl. Local law enforcement can trace heroin seized in Manchester, New Hampshire to Lawrence, Massachusetts and then directly to Mexico. To protect our communities, we must do a better job of interdicting heroin and fentanyl before it enters the U.S.

In October 2015, you and I discussed this epidemic at a homeland threats hearing. At that time, you stressed that "interdiction at the southern border is the key."

Do you still believe that interdiction at the southern border is the key?

Response: Yes. Mexican transnational criminal organizations (TCOs) pose the greatest criminal drug threat to the United States. The Southwest Border continues to be the dominant path along which these drugs are smuggled into the United States.

Question: What specific steps has the department taken to increase interdiction?

Response: CBP continues to conduct focused interdiction efforts, and to identify and implement new strategies, tools and technology that will assist frontline officers in the detection and interception of drugs and those involved in illicit smuggling activities. The Office of Field Operations (OFO), Tactical Analytical Units, provide Ports of Entry real-time tactical intelligence through a diverse array of collection and analysis platforms, techniques and procedures to supply frontline officers operationally relevant seizure trends, smuggling tactics, threat reporting and other value added enforcement

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information. Additionally, OFO will be deploying 47 additional canine teams at Southwest Border ports of entry, distributed between four field offices with the majority of the teams being deployed to ports within the San Diego and Tucson Field Offices areas of responsibility. Canine teams will consist primarily of human/narcotics detection, but OFO will also be increasing the number of currency/firearms detection teams as well. Though there has been one promising study for the use of canines in the interdiction of fentanyl, the risk of canine death during detection is high due to the potency of fentanyl.

Question: Please provide heroin interdiction data for 2015.

Response: Heroin seizures by CBP totaled 2,745 kg in CY 2015, an increase of 25 percent over the 2,199 kg seized in CY 2014. The Southwest Border remains the primary entry point of heroin destined for the United States accounting for 77 percent (2,120 kg), with the majority occurring at the POEs. The majority (59 percent) of heroin seizures were hidden in personally owned vehicles and averaged 3.6 kg load size.

CBP Nationwide Seizures	CY 2014		CY 2015	
	Kilograms	Incidents	Kilograms	Incidents
Heroin	2,199	936	2,745	988

01/01/2014 - 12/31/2015 | Run Date: 02/08/2016

Heroin Weight (kg)	CY 2014		CY 2015	
	Kilograms	Incidents	Kilograms	Incidents
Air	313.73		605.18	
Land	1,857.69		2,127.04	
Northern Border	13.81		1.88	
Southwest Border	1,832.96		2,120.32	
Sea	25.31		11.38	

01/01/2014 - 12/31/2015 | Run Date: 02/08/2016

Question: Please provide fentanyl interdiction data for 2015.

Response: Fentanyl seizures by CBP totaled 55 kg in CY 2015, an increase of 150 percent over the 22 kg seized in CY 2014. The SWB remains the primary entry point of fentanyl destined for the United States accounting for 47 percent (26 kg) of total fentanyl seizures.

CBP Nationwide Seizures	CY 2014		CY 2015	
	Kilograms	Incidents	Kilograms	Incidents
Fentanyl	22	17	55	80

01/01/2014 - 12/31/2015 | Run Date: 03/30/2016

Question#:	29
Topic:	Interdiction at the Southern Border
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Fentanyl Weight (kg)	CY 2014	CY 2015
Air	0.6	24.5
Land	21.5	30.4
Northern Border	0	3.6
Southwest Border	21.5	26.8
Sea	0.1	0.1

01/01/2014 - 12/31/2015 | Run Date: 03/30/2016

Question#:	30
Topic:	U.S. Coast Guard's Interdiction Efforts
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: In February 2016, the U.S. Coast Guard Cutter Campbell returned to Portsmouth Naval Shipyard after a 61-day counter narcotics patrol of the Caribbean Sea and Eastern Pacific Ocean. Campbell seized about 4,800 pounds of cocaine worth more than \$80 million. These shipments from South America were bound for the United States.

Please explain the U.S. Coast Guard's role in drug interdiction.

Response: The Coast Guard is the lead federal agency for maritime law enforcement, including drug interdiction on the high seas, and shares the lead for drug interdiction in U.S. territorial seas with U.S. Customs and Border Protection (CBP). The Coast Guard is able to leverage a broad array of authorities, capabilities, competencies, and partnerships which are vital to successful mission execution.

Question: Please provide data related to the U.S. Coast Guard's interdiction efforts.

Response: The Coast Guard interdicted 144 metric tons of cocaine and 78,000 pounds of marijuana from the maritime drug transit zone in FY15, worth an estimated \$4.3 billion dollars in wholesale value.

Question: Where are they interdicting the most drugs?

Response: The Coast Guard conducts most drug interdictions in the Western Hemisphere Transit Zone, that area between drug source countries in South America, and transshipment points in Central America.

Question: What drugs?

Response: The Coast Guard interdicts more cocaine than any other drug. In FY 2015 the Coast Guard removed 144 Metric Tons of cocaine from the transit zone, a 57% increase over FY 2014.

Question: Where are they interdicting heroin?

Response: Heroin has been interdicted in the transit zone both within the Eastern Pacific Ocean and Caribbean Sea. These events typically originate in South America and are split between commercial shipping vessels and noncommercial maritime conveyances; however, maritime interdiction of large quantities of heroin is rare. This is not surprising

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Topic:	U.S. Coast Guard's Interdiction Efforts
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
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since, according to our best intelligence, the vast majority of the heroin consumed in the U.S. is produced in Mexico and transported not by maritime means, but by land routes into the United States.

Question: Does the Coast Guard operate with sufficient intelligence, and sufficient resources?

Response: Intelligence on cocaine movements through the Transit Zone is adequate. Intelligence from multiple sources is fused by Joint Interagency Task Force-South and is used to make targeting decisions for action by Coast Guard, Allied and Partner Nation surface assets, supported by maritime patrol aircraft from the Coast Guard, Customs and Border Protection, the Department of Defense, plus Allied and Partner Nations. In fact, in fiscal year 2015 Joint Interagency Task Force-South had actionable intelligence with precise geo-coordinate information for the movement of more than 200 metric tons of cocaine that could not be targeted due to a lack of available interdiction forces. Over the last two fiscal years, more than 90 percent of our interdictions were cued by intelligence. However, operational capacity limits the Coast Guard to targeting significantly less than our available actionable intelligence.

Question: How does the Coast Guard work with SOUTHCOM and NORTHCOM?

Response: The Coast Guard works collaboratively with both NORTHCOM and SOUTHCOM both as a force provider and partner for capacity building. The Coast Guard is the primary provider of surface interdiction forces to SOUTHCOM through Joint Interagency Task Force-South, and is a key partner for capacity building efforts in NORTHCOM and SOUTHCOMs AORs.

Question: How does the Coast Guard coordinate with the Drug Enforcement Administration?

Response: The Coast Guard partners with DEA and other investigative agencies as part of its counter drug mission, including the FBI and ICE/HSI. A majority of collaboration takes place at, or is facilitated by, Joint Interagency Task Force-South. The importance of interdictions cued by information from investigative agencies leads to the direct removal of drugs taken off the high seas. When the U.S. Coast Guard apprehends suspects from drug smuggling cases, they divulge information during prosecution and sentencing that is used to help indict, extradite, and convict drug kingpins in the effort to dismantle transnational organized crime networks. Information divulged by smugglers also leads to actionable intelligence for future drug smuggling events, producing follow-on seizures and intelligence.

Question#:	31
Topic:	Recurrent Vetting of Airport Workers
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide an update on the Aviation Security Advisory Committee's recommendation that TSA implement recurrent vetting of airport workers.

Response: The Transportation Security Administration (TSA) recognizes the value of conducting more frequent or recurrent criminal checks on airport workers to identify cases where there has been subsequent criminal activity since the employee was granted access. TSA requires that all aviation workers badged by an airport requiring a Criminal History Records Check must undergo a new check every two years. Further, TSA anticipates beginning its proof of concept with the Federal Bureau of Investigation (FBI) for FBI Rap Back, or recurrent criminal history vetting, this spring. The proof of concept will be with Dallas/Fort Worth International Airport, Boston Logan International Airport, and Delta Air Lines. The FBI Rap Back will provide real-time recurrent information on criminal activity committed by credential-holding workers. The initial proof of concept will inform TSA's expanded implementation of this effort to include information for airport staff planning, reporting, and operational updates required to expand Rap Back with more airports and air carriers after the initial phase is completed this summer. Full airport roll out is dependent on airport/air carrier ability to support resources, additional fees, and airport badging/human resource technology for recurrent criminal vetting. Additionally, all airport and airline employees flying as passengers must undergo the same checkpoint screening as the flying public.

Question#:	32
Topic:	Visa Waiver Program Changes
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: The Visa Waiver Program allows citizens from 38 countries to travel to the U.S. for business or tourism purposes for up to 90 days without first obtaining a visa. In December, Congress passed and the president signed into law additional restrictions for traveling under the program. Pursuant to that law, a citizen of a Visa Waiver Program country who has traveled to Iraq, Syria, Sudan, or Iran in the last five years cannot travel visa-free to the United States. That law also provided you with the authority to designate additional countries to that list. You recently announced that Somalia, Yemen, and Libya have been added to this list.

What factors did you consider when deciding to add Libya, Somalia, and Yemen to the list?

To what extent was the Department of Defense consulted in these decisions?

To what extent was the intelligence community consulted in these decisions?

Was AFRICOM consulted?

How about CENTCOM?

We know that Al Qaeda continues to operate in large parts of Algeria, Mali, Tunisia, and Niger. Why weren't each of these countries also designated as a "country of concern" under this law?

Response: The Secretary considered the three criteria in the statute, specifically section 217(a)(12)(D)(ii) of the Immigration and Nationality Act:

- “(I) whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States;
- “(II) whether a foreign terrorist organization has a significant presence in the country or area; and
- “(III) whether the country or area is a safe haven for terrorists.”

The statute does not exclude the Secretary considering other relevant criteria as well, so the Department of Homeland Security also considered, among other things, (a) available intelligence on the nature of the terrorist threat to the Homeland from the Islamic State of Iraq and the Levant (ISIL), al-Qa'ida, and other terrorist groups; (b) available intelligence

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on the nature of the terrorist threat from ISIL, al-Qa'ida and other terrorist groups to our allies and to U.S. interests overseas; (c) the extent and nature of legitimate trade, travel, commerce, and familial connections between the United States and the countries under consideration; (d) the extent of counterterrorism cooperation, and cooperation on aviation, border, and maritime security, between the United States and the countries under consideration; and (e) the counterterrorism capacity of the country under consideration.

In accordance with section 217(a)(12)(D)(i), the Secretary consulted with the Secretary of State and the Director of National Intelligence in making the determination to designate Libya, Somalia, and Yemen. The Department of Homeland Security also consults continually on both intelligence and policy matters with the interagency and specifically with the intelligence and counterterrorism communities, including the Department of Defense. Weighing all the criteria in the statute and the other criteria listed above, the Secretary designated Libya, Somalia, and Yemen as countries of concern at this time. There is no time limit to the Secretary's authority to designate other countries or areas, and DHS will continuously evaluate intelligence and policy considerations to determine whether the further changes are necessary.

Question#:	33
Topic:	Integrated Product Team
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: As I understand it, DHS has brought back the Integrated Product Team concept to DHS Science & Technology.

How is that process working?

Specifically, how is the TSA interfacing with DHS S&T to provide TSA requirements for Research & Development investment?

How would you assess TSA engagement with industry in the development of requirements needed to successfully implement Risk-Based Security processes and technology capabilities in the future?

How is that process working?

Response: The Integrated Product Team (IPT) process is working well. In response to the Secretary's memorandum in August 2015, the DHS Science and Technology Directorate (S&T) established a governance structure and operational process for the IPTs in FY 2016. This included standing up five chartered IPTs that identified priority technological capability gaps in their respective mission areas. The IPTs were led by senior executives from the operational Components and included members from across the Department. Based on inputs from the IPTs, the S&T Research Council (composed of the Component IPT leads) identified the high-priority gaps determined to be most important for R&D investment across DHS. These will be described in further depth in a report to be presented to Congress.

The FY 2016 process also identified R&D activities being performed across the Department, providing a DHS-wide R&D profile to inform future decisions on R&D investments and acquisitions.

Question: Specifically, how is TSA interfacing with S&T to provide TSA requirements for R&D investment?

Response: TSA's Office of Security Capabilities conducts an annual prioritization of capability gaps related to physical security screening in airports. These prioritized gaps are shared with S&T to inform resource allocation decisions.

Furthermore, the Aviation Security IPT was initiated in Q4 of 2015 as a collaborative effort between the DHS S&T and the Transportation Security Administration, with

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participation from other DHS component agencies to include the Secret Service, Coast Guard, and Customs and Border Protection. The IPT successfully completed the prioritization of DHS research and development activities in support of aviation security based on TSA's prioritized capability gaps.

In addition to chairing the Aviation Security IPT, TSA participated in the Biological Threat, Cyber Security, and Counterterrorism IPTs. As an active participant on these IPT's, TSA provided considerable input regarding technological capability gaps across priority DHS missions.

TSA and S&T are working together on several programs to fill the previously mentioned gaps. TSA and S&T signed the Innovation Task Force and Apex Screening at Speed Strategic Vision on April 7, 2016 and are initiating projects in support of these programs.

Question: How would you assess TSA engagement with industry in the development of requirements needed to successfully implement Risk-Based Security processes and technology capabilities in the future?

Response: TSA is deeply engaged with industry stakeholders through the development of requirements for future security capabilities. TSA solicits industry responses on advanced security concepts through Requests for Information, Industry Days, stakeholder meetings, and technical presentations by TSA staff members at conferences.

Question#:	34
Topic:	Transportation Security Acquisition Reform Act
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: In December 2014, Congress passed the Transportation Security Acquisition Reform Act, which requires TSA "to implement best practices and improve transparency with regard to technology acquisition programs," including development of a five-year investment plan in consultation with industry.

What progress has been made toward carrying out the directives in this legislation?

Response: The Transportation Security Administration's (TSA's) policies and procedures address requirements of the Transportation Security Acquisition Reform Act (H.R. 2719). As required by the Act, TSA amended its Congressional notification policies for security-related technology acquisitions contract awards exceeding \$30 million. Per Section 1611 of the Transportation Security Acquisition Reform Act, TSA submitted the Strategic Five-Year Technology Investment Plan for Aviation Security 2015 Report to Congress on August 12, 2015, which was developed in consultation with the DHS Undersecretary for Management, Under Secretary for Science and Technology, the DHS Chief Information Officer, and with participation of the Aviation Security Advisory Committee (established by the Administrator of TSA) and other aviation industry stakeholders. This plan aims to achieve a shared vision among Congressional, industry, DHS, and TSA stakeholders to address security technology needs, deploy cutting-edge security capabilities, and increase efficiency and security effectiveness in American aviation security. The plan provides transparency into TSA's capability gaps and planned investments to address them. TSA will continue to engage industry, as necessary, in the strategic technology initiatives identified in this plan and in advance of the revision planned for FY2017.

Question#:	35
Topic:	FirstNet Rural and Mountain Area Coverage
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: Among the goals of First Responder Network Authority (FirstNet), the network aims to provide an interoperable communications platform that first responders at the local, state, tribal, and federal levels can use to coordinate during emergencies and for daily public safety communications. Yet, New Hampshire faces the challenge of being predominantly rural and mountainous, particularly in its northern and western regions.

At this stage of the FirstNet rollout, what is the outlook on the ability to provide the necessary infrastructure in the most isolated parts of my state - given that rural areas will be the most costly to cover?

Response: FirstNet is an independent authority within the Department of Commerce. The Secretary of Homeland Security is a permanent FirstNet Board member. A request for proposals (RFP) has been released and FirstNet has entered the evaluation stage of its procurement following final bids being due May 31, 2016. Until a contract is awarded, FirstNet will not have its final solution, which will contain the specific information regarding impact on rural and mountainous coverage. Within the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), however, FirstNet is required to meet "substantial rural coverage milestones" during the deployment of its network. Additionally, within FirstNet's publicly available RFP, FirstNet has required bidders to propose network solutions to deploy FirstNet's Band 14 within the country's rural areas at the same time as the urban areas to ensure that rural areas receive coverage as required per the Act.

As an independent authority within a separate agency, any additional requests for information or questions on this topic should be directed to FirstNet Director of Government Affairs, Edward Parkinson, at: Edward.Parkinson@FirstNet.gov.

Question#:	36
Topic:	FirstNet Cost
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Kelly Ayotte
Committee:	HOMELAND SECURITY (SENATE)

Question: FirstNet was allocated \$7 billion to establish a nationwide fully interoperable network. However, GAO estimates this could cost anywhere from \$12-47 billion. Nearly one year after GAO's report was published, FirstNet has remained on track and met its planning deadlines, currently in the midst of the important RFP phase.

Please provide an update on the assessment on plans to generate revenue through user fees and commercial partnerships to offset the additional expected costs.

Does the use of commercial partnerships involve non-public safety services?

How will you utilize commercial revenue sources, yet also prioritize public safety concerns and feedback - especially when it comes to integration with existing regional communications services?

Once up and running, what challenges and costs to you expect to be associated with maintenance of the network?

How do we also ensure that FirstNet is not vulnerable to data breaches and cyberattacks, similar to what we witnessed with the Office of Personnel Management breaches recently?

Response: While DHS is a permanent FirstNet Board member, FirstNet is an independent authority within a separate agency, the Department of Commerce, and therefore FirstNet is in the best position to answer questions regarding the specifics of the Nationwide Public Safety Broadband Network (NPSBN). Please direct any questions on this topic to FirstNet Director of Government Affairs, Edward Parkinson, at: Edward.Parkinson@FirstNet.gov.

**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Claire McCaskill**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	1
Topic:	Cost Analysis Division
Hearing:	The Homeland Security Department’s Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: I want to acknowledge the important progress that DHS has made in improving their acquisition oversight. It is still far from perfect, but I know that you have made this a priority and I think we are at least starting to see the dividends of that work.

I remain concerned about staffing levels for acquisition oversight positions. A few years ago DHS established a Cost Analysis Division (CAD) within the Office of the Chief Procurement Officer. The CAD is supposed to both validate the cost estimates of the most costly acquisitions and also conduct its own independent cost analyses.

Yet the vast majority of major DHS acquisitions are still being delivered late and over budget. I am concerned that it simply does not have the capabilities to do its own independent analyses, though.

Response: Today, all major DHS acquisitions have baselines that allow us to monitor the program’s timeliness and cost, significantly improving the number of DHS programs that are delivered on time and on budget. Baselines are critical tools that program managers use to keep their programs on track. The Acquisition Review Board (ARB) also uses the baselines to oversee major programs. Since the beginning of October 2014, DHS has conducted 40 action-oriented Acquisition Review Boards of major acquisition programs. If program managers or the program’s ARB find that the baseline is not being met, corrective action is taken early. Baselines are just one tool that DHS now has in place to aggressively limit cost overruns and schedule delays.

As part of the Department’s Unity of Effort Initiative, the Cost Analysis Division (CAD) was realigned from the Office of Program Accountability and Risk Management (PARM) to the Office of the Chief Financial Officer (OCFO) in June 2014.

CAD works across the Department to provide objective cost estimates and cost analyses to enable DHS acquisition and resource decision making. Specifically the CAD:

Question#:	1
Topic:	Cost Analysis Division
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

- Principally advises the Under Secretary for Management (USM), DHS Chief Financial Officer (CFO), and Component Acquisition Executives (CAEs) on cost estimating and analysis issues.
- Leads the Department in cost estimating and analysis policy, policy implementation, and guidance.
- As directed, develops Independent Cost Estimates (ICEs) and Independent Cost Assessments (ICAs) of Level 1 and Level 2 Acquisition Programs to inform the Acquisition Decision Authority.
- Reviews, analyzes, and evaluates Life Cycle Cost Estimates (LCCE) and ensures the cost of DHS programs are presented to the Acquisition Decision Authority accurately and completely.
- Advises the Homeland Security Acquisition Institute (HSAI) on career field certification, training, and education for the cost estimating and analysis community.

As of January 14, 2016, the Department has successfully closed the Acquisition Documentation gap. All Major Acquisition programs between Acquisition Decision Event (ADE) 2A and 3 have CFO-approved LCCEs.

Question: How many FTEs do you have in the Cost Analysis Division?

Response: CAD has an authorized level of 14 positions, with nine full-time permanent employees currently on-board. CAD is working to fill its vacant positions and expects to be at full staffing in FY 2017.

Question: How many independent cost analyses is the Cost Analysis Division able to complete per year?

Response: In Fiscal Year (FY) 2017, CAD is planning to develop five independent cost assessments. In FY 2016, CAD is completing three independent cost estimates: Customs and Border Protection's Remote Video Surveillance System (RVSS), the Chief Financial Officer Financial Systems Modernization (FSM), and the Chief Information Officer Human Resources Information Technology (HRIT). In FY 2015, CAD provided independent cost estimates covering two Master Acquisition Oversight List (MAOL) programs, United States Coast Guard Off-Shore Patrol Cutter (OPC) and the Customs and Border Protection Strategic Air and Marine Program (StAMP), which included the Multi-Role Enforcement Aircraft (MEA), UH-60 Black Hawk, and the StAMP Aircraft sustainment plan.

Question#:	1
Topic:	Cost Analysis Division
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How many times per year does the Cost Analysis Division have to rely on components' analyses rather than conducting its own?

When the Cost Analysis Division cannot do its own analysis, does it rely on whatever the components give it?

Response: CAD does not solely rely on the Components' analyses. When a MAOL Component Program Management Office (PMO) submits a LCCE for approval; CAD reviews, analyzes, and evaluates against CAD's LCCE Scorecard Evaluation Criterion which is based on GAO Cost Estimating and Assessment Guide standards. In FY 2015, CAD developed and recommended 11 MAOL Program LCCEs for DHS CFO approval.

Question: Does the analysis done by the components ever come from the contractor, or is it a 100% independent analysis that is conducted by the components themselves?

Response: The LCCEs developed by the Component PMOs use either government and/or contractor support staff. CAD has an assigned senior analyst to work directly with Components in the preparation of LCCEs prior to them being submitted for Department approval. As of January 14, 2016, the Department has successfully closed the Acquisition Documentation gap. All Major Acquisition programs between Acquisition Decision Event (ADE) 2A and 3 have CFO-approved LCCEs. Contractors who would provide the goods or services being acquired are never involved in the development of LCCEs. All Department approved LCCEs are developed by the Component program offices.

Question#:	2
Topic:	Cost Estimates
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: What steps does DHS need to take to ensure that programs have accurate, reliable, and timely cost estimates?

Response: DHS CAD will continue to develop ICEs and ICAs on a limited and focused approach, and DHS will continue to review and approve LCCEs on all major acquisition programs for every ADE 2A, 2B, 2C, and 3. CAD is leading cross-component initiatives that are aimed at enhancing the DHS cost estimating capability, such as establishing and promoting best practices; building better analytical tools and access to data; and standardizing training and certification of DHS cost analysts. In addition, DHS components will continue to certify resource availability for acquisition programs in advance of ADEs, and maintain LCCEs. The annual Program and Budget Review process will continue to examine the affordability of major acquisition programs. DHS is committed to preparing credible, accurate, reliable, and comprehensive cost estimates that lead to improved acquisition oversight and resourcing decisions.

Question#:	3
Topic:	Staffing Shortfalls
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: GAO also found consistent staffing shortages across some of DHS's most troubled acquisition programs. Overall, GAO found staffing shortfalls in 21 of the 22 programs it recently reviewed; funding gaps of 10 percent or more in half of those programs; and requirements changes across all 22 programs.

Customs and Border Protection, for example, had the equivalent of 11 full time employees working on its integrated fixed towers, or IFT, program, but needed 48. That is a 37 person shortfall on a program that is 7 already years behind schedule.

DHS leadership told GAO that it could take years to resolve some of these issues.

How long do you anticipate being short-staffed on some of these acquisition programs?

Response: It is difficult to estimate how long it will take for some programs to be fully staffed. With the exception of Customs and Border Protection, most of the staffing gaps are vacant positions that are in various stages of the hiring process. Due to normal turnover, new vacancies and gaps occur that will have to be addressed. Staffing gaps that require additional funding may have to be addressed in the budget process and thus take longer to fill. There are mitigation strategies for addressing staffing gaps in place, including using temporary detailed or matrixed staff, as well as contractor support to obtain needed skills to execute programs until positions can be filled.

Question: Has DHS ever considered delaying an acquisition program in order to ensure adequate staffing is available for program oversight? If so, please provide some examples.

Response: Yes. DHS requires programs to document staffing plans in program documentation, which must be approved for Acquisition Decision Event (ADE)-1, for the program to proceed. DHS has considered delaying an ADE if adequate staffing is not identified or planned for and if mitigation strategies are not adequate to address staffing shortfalls. If a program is identified as having staffing risks prior to an ADE, DHS may perform a detailed assessment to help determine adequate program staffing.

Question: What specific steps is DHS taking to remedy the staffing shortfalls?

Response: DHS has required all major programs to conduct a staffing assessment and to identify their mitigation strategies for identified gaps. This has resulted in more emphasis

Question#:	3
Topic:	Staffing Shortfalls
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

and prioritization in addressing gaps both in hiring to fill vacancies and training to address any skill gaps. The mitigation strategy may also include using temporary detailed staff as well as contractor support to obtain needed skills to execute programs and mitigate program staff shortages until positions can be filled. For programs that were identified with high risk staffing shortfalls, DHS performed a detailed assessment to help determine adequate program staffing and identify critical gaps to Component and headquarters leadership.

Question#:	4
Topic:	SES Positions
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: On scores of effective leadership in from list of best places to work in the federal government, DHS is ranked last among all federal agencies, and 6 DHS subcomponents are among the lowest 9 sub-agencies government-wide. DHS is last in the survey in employee empowerment; last in employees' views of fair resolution of employee issues; last in the level of respect and satisfaction employees have for senior leaders; and last in employees' views of their immediate supervisors' job performance. These rankings demonstrate a lack of effective direct management within the agency.

How many SES positions do you have at DHS?

Response: At the end of the FY 15 performance cycle, DHS had 696 allocated SES positions.

Question: So what criteria are used to determine what positions within the DHS hierarchy should be filled by an SES employee?

Response: DHS applies the criteria outlined in 5 U.S.C. 3132(a)(2) which states a position meets the SES functional criteria when it is classified above GS-15 and:

- directs the work of an organizational unit;
- is held accountable for the success of one or more specific programs or projects;
- monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals;
- supervises the work of employees (other than personal assistants); or
- otherwise exercises important policy-making, policy-determining, or other executive functions. Additionally, DHS applies the following leadership characteristics:
 - the scale of *innovation* as an outcome in and of itself which is new and unprecedented, or as the necessary means of accomplishing outcomes, requiring forward thinking and forecasting;
 - *intense interest* in program performance and the visibility the program would receive (public, political, public), the resource level, and/or issue controversy or sensitivity;
 - *volatility* from frequent and significant changes in program requirements, regulatory guidance and/or policy, technology, and/or work methodologies;
 - *conflicting requirements* that evolve or respond to environmental volatilities; often require trade-offs and significant refocus of operational

Question#:	4
Topic:	SES Positions
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

- plans, budgets, and/or work structures;
- o *diversity across operational units and/or regions* that require complex coordination and integration of distinctly unique functions, budget, issues, operational requirements, and oversight;
- o *high level coordination* and negotiation across components, other agencies, Congress, and/or other external entities (to include international interfaces); and
- o *supervisory complexity* that includes oversight of multiple senior- level positions, multiple work divisions, diverse professional series employees, regional dispersion, and/or large staff numbers.

Question: How many of them received bonuses last year?

Response: 433 received a bonus last year.

Question#:	5
Topic:	SES Performance Plan
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: In the private sector, bonus pools are often tied to the profitability of a company in a given year. When the company has a great year, the bonus pool is bigger. When the company has a bad year, the bonus pool is smaller. Obviously that is hard to replicate at a federal agency, but there must be some metrics that you can judge an agency or a subcomponent on.

How much of an SES's performance plan is tied to the success of the agency itself or to that SES employee's subcomponent?

Being a good manager also means effectively managing and engaging your subordinates.

Response: Sixty percent of an SES's overall rating is tied to employee-specific performance objectives that measure the success of meeting goals issued by his or her supervisor. Goals and objectives are required to be tied to a strategic plan at the Department, Component, or operational level. The other 40 percent is tied to leadership competencies.

Question: How much of an SES's performance measurement is tied to feedback from a manager's subordinates?

Response: DHS's SES performance management and appraisal program follows the Government-wide SES Program and strongly encourages supervisors to engage with, and solicit feedback from an SES's subordinates. However, there is nothing provided in the Government-wide program or the DHS program that will measure how much the feedback from subordinates influences the supervisor's rating of the SES manager.

**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Tammy Baldwin**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	6
Topic:	FEMA Preparedness Grants Cuts
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

Question: As discussed at the hearing, the Fiscal Year 2017 Department of Homeland Security (DHS) budget request includes significant proposed cuts to FEMA preparedness grants relative to the FY 2016 enacted levels. While I appreciate the hard choices DHS faces within current budgetary constraints, I remain concerned by the depth of these proposed cuts and the potential impact on local communities. Can you please explain why the FY 2017 request proposes such large cuts to preparedness grants, and specifically why DHS chose to propose funding reductions to each of the following?

Response: The President’s FY 2017 budget proposal reflects difficult decisions among competing priorities across the DHS portfolio. The proposed cuts to the preparedness grants programs give consideration to the \$47.7 billion in funding appropriated to preparedness grants in the 15 years since the 2001 terrorist attacks and the significant progress made in building preparedness across the nation during that timeframe. As funding for grant programs began to decline in Fiscal Year 2012, the Department emphasized that state and local governments should use their grant funding to sustain the capabilities they built over the past 15 years with federal grant funding rather than invest in new capabilities that will be difficult to sustain in the future.

Question: The State Homeland Security Grant Program:

Response: The President’s FY 2017 budget proposes an allocation of \$200 million for the State Homeland Security Program (SHSP). This represents a \$267 million (57 percent) reduction compared to the \$467 million allocated for FY 2016. However, the Administration is proposing \$100 million for a new Regional Competitive Grant Program which will target critical capability gaps at the regional level. As with SHSP, these funds would be awarded to states. In addition, \$10 million is requested for Countering Violent Extremism (CVE) and \$39 million is requested for state, local and tribal activities targeted at preventing, preparing for, and responding to complex, coordinated terrorist

Question#:	6
Topic:	FEMA Preparedness Grants Cuts
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

attacks. In sum, a total of \$349 million is being proposed to support state preparedness efforts; a reduction of \$118 million (25 percent) compared to FY 2016.

Question: Firefighter Grants:

Response: The President's FY 2017 budget proposes \$670 million for firefighter grants, which include Assistance to Firefighters Grants (AFG), Fire Prevention & Safety (FP&S), and Staffing for Adequate Fire and Emergency Response (SAFER). This represents a \$20 million (3 percent) reduction compared to the \$690 million allocated for FY 2016. Given budgetary constraints for FY 2017, this relatively minor reduction in funding reflects the value and importance of the firefighter grants and demonstrates the Administration's commitment to sustain funding for these programs as close as possible to recent levels.

Question: The National Domestic Preparedness Consortium:

Response: The National Domestic Preparedness Consortium is a Congressionally-mandated partnership of nationally recognized training organizations that address the preparedness training needs of the nation's emergency first responders within the context of all hazards, including chemical, biological, radiological, explosive, Weapons of Mass Destruction hazards, and surface transportation response programs. The members include: the U.S. Department of Energy's Nevada National Security Site, Counter Terrorism Operations Support (CTOS); Louisiana State University, National Center for Bio-Medical Research and Training (NCBRT); the New Mexico Institute of Mining and Technology, Energetic Materials Research and Testing Center (EMRTC); Texas A&M University, National Emergency Response and Rescue Training Center (NERRTC); the University of Hawaii, National Disaster Preparedness Training Center (NDPTC); and the Pueblo, Colorado-based Transportation Technology Center, Inc., Security and Emergency Response Training Center (SERTC).

The FY 2017 funding request for the National Domestic Preparedness Consortium is \$36 million because states are assuming increased responsibility for awareness level, refresher, and sustainment training that will allow our institutional partners to focus resources on more advanced, specialized training consistent with their respective expertise. In previous years, the \$60 million request was for the Training Partnership Grants, which consolidated the National Domestic Preparedness Consortium (\$42 million) and Continuing Training Grants (\$18 million). The difference in FY 2017 is that FEMA is requesting \$36M for the National Domestic Preparedness Consortium and \$18M for the Center for Homeland Defense and Security at the Naval Post Graduate School (which has historically been funded out of the Continuing Training Grants) as

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separate appropriations. FEMA would divide the \$36 million requested funding evenly among the National Domestic Preparedness Consortium partners for FY 2017.

Question: The Center for Domestic Preparedness:

Response: Total FY 2017 funding requested for the Center for Domestic Preparedness (CDP) is \$67,989,000 which includes \$63,939,000 in program funding and \$4,050,000 in the Procurement, Construction, and Improvements section of the budget request. These requests are an increase of \$2,998,000 above the FY 2016 enacted funding of \$64,991,000.

Question#:	7
Topic:	Coast Guard Icebreaking Capability
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

Question: Due to inadequate Coast Guard icebreaking capability, the Great Lakes economy lost an estimated \$700 million and nearly 4,000 jobs during the winter of 2013-2014 and \$355 million and nearly 2,000 jobs during the winter of 2014-2015. As part of last year's omnibus, I authored a provision directing the Coast Guard to review its Great Lakes icebreaking needs.

Will you please give me your commitment that this analysis is based on the Coast Guard meeting its target in the worst winters, such as the two I mentioned, not just during average winters?

Response: The Coast Guard determined that the 2010 U.S. Coast Guard Domestic Icebreaking Mission Analysis Report (MAR) remains relevant with respect to the Coast Guard's domestic icebreaking requirements on the Great Lakes and other regions. The report required by the omnibus will reference the 2010 MAR and summarize actions taken by the Coast Guard to address the issues raised therein, including the risks and impact of severe ice seasons like those experienced during the 2014 and 2015 winters.

Question: The economic risks to our region are far too great for the Coast Guard to be prepared only for best-case scenarios. Along with your commitment, can you also provide a status update on the analysis, including how the Coast Guard is incorporating the economic costs of reduced Great Lakes shipping due to insufficient icebreaking capacity?

Response: The Coast Guard does not incorporate commercial economic costs into Mission Analysis Reports. However, the report does include performance metrics that illustrate the overall ability of the Coast Guard to keep critical navigable waterways open during the winter season.

Question#:	8
Topic:	Workforce Health Protection
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

Question: I am concerned about existing capability gaps in the Department's pre-deployment workforce health protection mission. DHS personnel are deployed overseas across a wide spectrum of environments and situations: supporting border security in allied nations, special mission activities for drug and weapon interdiction, sea-based coastal monitoring, site-surveying airports worldwide, as well as providing visas in hundreds of countries and all of the missions of the Secret Service. To date, the Office of Health Affairs, which provides policy and planning for these missions in support of DHS components, has had no personally validated, verified information on particular health risks or any information other than open source on the availability of health care facilities, whether in large cities or austere, contested environments.

Providing more granular information, in advance of deployment, that identifies existing and emerging threats to the health and safety of deploying workforces and which appraises the availability of basic preventive and responsive medical services to mitigate serious medical events, such as infectious disease outbreaks and injuries, will help minimize risk without compromising mission success.

What tools are currently used by the Department and its components to identify and assess local medical infrastructure and health risks, including inpatient services, emergency care, emerging disease threats, as well as to track deployed DHS personnel in real-time? In your view, do those tools fully meet the Department's workforce health protection and traveler tracking requirements?

Response: Upon Component request, the Office of Health Affairs (OHA) provides DHS deploying personnel with Medical Travel Advisories that address many of these points. These advisories are the product of assessments conducted through web-based research and consultations with other federal departments, not a centralized automated tool. OHA is exploring possible alternatives for a department-wide system for managing this sort of employee health information.

Question#:	9
Topic:	Austin Straubel Airport
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

Question: Austin Straubel Airport in Green Bay, Wisconsin has informed me that its current allocation of customs officers leaves the airport understaffed at a time of increasing volume. Because Austin Straubel is also a Port of Entry, it has been difficult for the airport to secure the additional customs services it needs, which threatens to stifle trade and travel. This isn't just a problem in Green Bay. As I understand it, customs and border stations across the nation are facing shortfalls in staffing that threaten essential operations and force officers to work grueling shifts.

I am particularly concerned that CBP has ended its last several fiscal years below the frontline staffing levels authorized by Congress. I know that attrition and the lengthy hiring process have had an impact on these levels. I also know that the Department is shifting from a resource dependent model to an intelligence driven, risk based approach to border and port of entry security. However, at a time when increased security is more important than ever, can you discuss the Department's current efforts to improve recruitment and retention among CBP officers?

Response: CBP has taken significant steps to address factors affecting frontline hiring. To ensure an effective approach to recruiting and hiring frontline personnel, CBP established a Frontline Hiring Program Management Office, which includes representatives and stakeholders from across the Agency. This team is working to integrate previously stove-piped elements of the hiring process and has already made some significant process improvements, such as developing a frontline hiring data model. This model provides a high degree of fidelity for the frontline hiring process timeline, identifies areas of focus, and provides reliable estimates of hiring projections. The data provided by this model has led to a number of other process improvements, such as CBP's "hiring hub" concept, which integrates and consolidates many steps and several months of the hiring process into a two-day timeframe. The initial pilots of the hiring hubs resulted in over a 60 percent reduction in the overall time-to-hire for frontline personnel.

CBP also established a National Frontline Recruitment Command to oversee and coordinate nationwide frontline recruitment efforts. Through data-driven, targeted outreach, CBP is able to convey information concerning its unique enforcement and national security missions, as well as information on its hiring process, to applicants. CBP is utilizing social media, email, newsletters, text messages, recruitment events, and strategic partnerships to connect with candidates and current applicants. CBP also enhanced its Careers webpage to include content and videos concerning frontline career

Question#:	9
Topic:	Austin Straubel Airport
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opportunities, qualifications, duty locations, the hiring process, and employee benefits. CBP employs a forward-leaning advertising and marketing approach and leverages field office resources across the country to provide information concerning CBP law enforcement careers and current job openings. CBP recruiters are now using technology to identify areas where there may be a high population of potential candidates in order to determine where to focus recruitment efforts.

CBP's overall recruitment approach also includes strategies focused on recruiting veterans and individuals separating from military service. CBP is committed to recruiting and employing qualified veterans and initiated steps to reengineer how it recruits and hires transitioning military personnel. Over the past year, CBP has participated in recruitment events for Department of Defense (DoD) employees, attended nationwide veterans and military conferences, and partnered with organizations focused on assisting veterans' transition from military service. Finally, CBP is working with DoD to establish a shared services model for several of CBP's pre-employment processes, which will significantly expedite the hiring process for veterans.

Collectively, these efforts enable CBP to recruit and hire individuals who are interested in working for CBP, qualified to perform law enforcement functions, and suitable to manage the Department's national security mission.

Question#:	10
Topic:	Biometric Exit System
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Tammy Baldwin
Committee:	HOMELAND SECURITY (SENATE)

Question: In your testimony, you mentioned that CBP has begun testing biometric exit technologies with a plan to begin implementing a biometric exit system in 2018. As CBP continues to test and prepare to implement biometric exit technologies, can you please explain to what extent CBP has considered each of the following:

Testing technologies at international airports of different sizes, including small, medium, and large airports; and

Response: Over the past year, U.S. Customs and Border Protection (CBP) has tested biometric exit technology and processes at the ten largest international airports, and at pedestrian entry/exit lanes at one large land port (Otay Mesa). CBP concentrated on the larger airports, as they present the greatest challenges and will be the focus for the comprehensive solution set. Over the next 12 months, CBP plans to deploy the Biometric Exit Mobile (BE-Mobile) technology to several smaller airports to determine if the mobile technology could serve as the biometric exit solution for those smaller locations. The BE-Mobile project uses finger scanning technology in mobile hand-held devices to record the exit of departing foreign travelers.

Question: Technologies that utilize multiple biometric capture and matching technologies, including finger, face and iris.

Response: CBP is testing several different modalities of biometrics, in order to identify the best options for biometric exit recording:

- The BE-Mobile project uses finger scanning technology in mobile hand-held devices that have been provided to CBP outbound enforcement teams;
- The Pedestrian Field Test at Otay Mesa is testing both biometric facial and iris image matching. The Otay Mesa Field Test collects these biometric scans at a kiosk on entry, and then collects and matches biometric images during exit using two different technology platforms that allow the pedestrian to keep moving (or stop briefly) while the biometric is collected from a short distance;
- The 1-to-1 Facial Comparison Test at Washington Dulles Airport held in the spring of 2015 tested biometric facial matching. Some inspection booths were equipped with a stand-alone camera that collected and matched the traveler's facial image to the image stored in the chip of their ePassport. The 1-to-1 Facial

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Committee:	HOMELAND SECURITY (SENATE)

Comparison capability is now installed on a permanent operational basis at Washington Dulles and John F. Kennedy Airports; and

- CBP benefited from testing and evaluation of a wide variety of multimodal biometric testing for Entry and Exit operations in collaboration with DHS Science and Technology's Apex Air Entry/Exit Re-engineering (AEER) program. Apex AEER tested and evaluated face, finger, and iris recognition technologies at the Maryland Test Facility, with the objective of identifying a fast, accurate, and cost-effective solution. CBP will be conducting The Biometric Air Exit Field Trial, which will test the viability of facial recognition in an airport environment. The Biometric Air Exit Field Trial aims to capture live photos of travelers and compare images against stored photos utilizing flight departure manifest.

**Post-Hearing Questions for the Record
Submitted to the Honorable Jeh C. Johnson
From Senator Ben Sasse**

**“The Homeland Security Department’s Budget Submission for Fiscal Year 2017”
March 6, 2016**

Question#:	11
Topic:	Edwin Mejia
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: ICE OMAHA INCIDENT: In late January, 21-year old Sarah Root was killed in Omaha by an illegal alien named Eswin Mejia, who was street racing while drunk. I sent a letter to ICE Director Sarah Saldana on February 29 asking about the agency’s failure to detain Mr. Mejia (attached).

Why did ICE officials to cite the 2014 immigration executive actions as the reason Mr. Mejia was not detained?

Response: There are no satisfactory answers to the tragic case of Sarah Root.

Plain and simple, Edwin Mejia should be detained right now. However, I will not cast fault on decisions made by U.S. Immigration and Customs Enforcement (ICE) personnel with respect to Mr. Mejia. At the time of his release by the county court, Mr. Mejia had not yet been convicted of a criminal offense. However, my November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, makes clear that immigration officers may pursue the removal of any alien where to do so would serve an “important federal interest,” regardless of whether the alien falls into the specific priority categories. Under the circumstances of this case, further immigration enforcement action against Mr. Mejia would have served such an interest. Director Saldaña has since made clear to the ICE field offices that similarly situated aliens should be subject to enforcement action even if such aliens do not fall within the delineated priority categories. I have also reiterated this to ICE leadership myself.

Question: Is it DHS policy to decline requests to detain individuals, even if an individual has been accused of killing a U.S. citizen, so long as that individual does not have a prior conviction?

Question#:	11
Topic:	Edwin Mejia
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Response: No. My November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, states that immigration officers may pursue removal of an alien not identified as one of the memorandum's enumerated priorities if, in the judgment of an ICE Field Office Director, removing such an alien would serve an important federal interest.

Question: Is Mr. Mejia a threat to public safety?

Response: ICE does believe pursuing further enforcement action in Mr. Mejia's case, including detention, would serve an important federal interest. Upon locating this alien, ICE will work with local law enforcement to facilitate the safe transfer of Mr. Mejia to ICE custody at the conclusion of his local law enforcement obligations. ICE will then render an appropriate custody determination, taking into account the facts of his case.

Question: Did ICE make a mistake in failing to detain Mr. Mejia?

Response: Please see responses above.

Question: To date, ICE has not replied to my request for information – when will ICE provide a response?

Response: The response to your February 29, 2016 letter regarding Mr. Mejia was transmitted to your office on March 31, 2016.

Question#:	12
Topic:	Situational Awareness of the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: Last year, I asked you if DHS had 100% situational awareness of the border. You said no and that DHS was not likely to have it by the end of the Obama administration. Then earlier this month, the acting chief of the Border Patrol, Ronald Vitiello, said DHS had “real time” situational awareness of only 56% of the border.

Has DHS increased situational awareness since we talked at this time last year? How do you know?

Response: When Acting Chief Vitiello referenced “real time” situational awareness of 56 percent of the Southern border he was referencing border mileage classified as “deployment density.” The United States Border Patrol has developed a risk-based strategy to determine where, when, and what resources to deploy. This risk-based approach is designed to “shrink the border” through assessing activity levels and facilitating the deployment of resources that focus attention to the areas with the highest risk. This is articulated when the Department describes border mileage by one of two categories: “deployment density” and Geospatial Intelligence (GEOINT). Areas designated as “deployment density” (approximately 56 percent) are areas that are determined to be higher risk or higher activity. These areas have deployed technology, infrastructure, and personnel to detect, identify, classify, track, and resolve cross border incursions. A deployment density zone seeks to ensure the proper combination of manpower, infrastructure, and technology are deployed to ensure detection and apprehension.

Areas deemed to be lower risk, based upon current intelligence, are monitored by GEOINT, which provides recurring surveillance to identify any changes in Tactics, Techniques, and Procedures (TTPs) of cross border violators. GEOINT areas are those with low activity where U.S. Border Patrol believes an agent does not need to be on the ground and the area can be reasonably monitored from the air.

Based on USBP’s current enforcement posture regarding the border mileage classification of Deployment Density and Geospatial Intelligence maintained zones, there has been no significant change related to an increase in situational awareness along the Southern Border.

Question: What does it mean to have “real time” situational awareness of the border? Does it mean you know all of the traffic – legal and illegal – coming across the border?

Question#:	12
Topic:	Situational Awareness of the Border
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Response: Real time situational awareness is having the technology, infrastructure, and personnel enabling DHS to provide persistent surveillance in an area classified as “deployment density,” facilitating detection, identification, classification, and tracking, which allows for the resolution of cross border incursions.

Question#:	13
Topic:	Strategic Planning for Border Security
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: I have now asked several DHS officials who is responsible for the department's long-term strategic planning for border security. Last year, during the HSGAC hearing on DHS's 2016 budget submission, I asked you and you said it was Customs and Border Protection (CBP). I then followed up several weeks after and asked CBP senior officials in a private meeting – and they said it was the responsibility of a small unit within the DHS Secretary's office. Can you settle this for me?

Response: As a Quadrennial Homeland Security Review (QHSR) mission area (Secure our Borders), long-term strategic planning for border security is supported by multiple offices throughout the Department. Strategic planning and, in particular, bringing rigorous analysis to bear on the development of strategic plans, is an area that DHS continues to work towards improving.

In terms of responsibility for this function, the first division of labor is between what is the primary responsibility of DHS Headquarters and DHS Components. For example, in developing strategic plans to strengthen the security of the border, DHS Headquarters Office of Policy (PLCY) is responsible for setting strategic objectives and identifying strategies that cut across DHS Components (and across federal agencies). This would include the balance between applying appropriate consequences for individuals apprehended attempting to unlawfully enter the country (e.g., referrals for criminal prosecutions) and deploying the appropriate level of resources to secure the border itself (e.g., more agents and fence).

In this context, PLCY coordinated the development for the Southern Borders and Approaches Campaign plan for the Department's unified approach to securing the southern border and approaches to the United States. DHS Components (e.g., CBP, USCG, and ICE) are responsible for setting component-specific subordinate objectives and intra-component elements of the strategies (e.g., how CBP will prioritize and employ agents and fencing). The new DHS Joint Task Forces work with the DHS Components to develop multi-component, synchronized operational approaches to meet intended outcomes for the Southern Border and Approaches Campaign.

Question#:	14
Topic:	TSA Security Lines
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: Last year, it was revealed that TSA checkpoints failed to stop weapons 96% of the time during covert testing. Since then, security lines at TSA have become the “new normal” according to some.

Are the lines longer because TSA has changed its approach to security?

Response: The Transportation Security Administration (TSA) adapts security measures to an ever-changing threat environment. Enhanced security measures at the security checkpoint, coupled with passenger volume, resulted in increased wait times at a number of airports. As TSA heads into the busy summer travel period, the agency is taking a number of near-term steps, TSA is working with airline and airport stakeholders to address the increases in wait times while maintaining security.

Question: Has TSA fixed all of the problems that led to a 96% failure rate last summer?

Response: Last summer, I directed TSA to implement a series of steps constituting a 10-point plan to address the issues raised by the covert testing. These included steps to ensure leadership accountability, improve alarm resolution, increase effectiveness and deterrence, increase threat testing to sharpen officer performance, strengthen operating procedures and technology, and enhance training. Under the leadership of TSA Administrator Neffenger, TSA has aggressively implemented this plan. All of the actions directed in my 10-point plan are substantially underway or have been completed.

Question: [IF “YES”] How do you know – does TSA send you new metrics to demonstrate their new success? Please provide a detailed response.

Response: TSA realigned its organizational metrics to new standards and expectations, with system and workforce measures focused on readiness and effectiveness. Much of this information is sensitive in nature, but specifics related to how TSA measures effectiveness, however, can be provided in a closed session.

Question: Given that security lines are now longer, does that mean security was weak when the lines moved faster?

[IF “NO” OR “NOT YET”] Why is it taking so long to fix the problems, given that we’ve known about them for almost a year?

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Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Response: The checkpoint detection failures identified by the Office of the Inspector General stem from multi-dimensional challenges that influenced the conduct of screening operations, creating a disproportionate focus on efficiency and speed in screening operations over security effectiveness. TSA has renewed its focus on the fundamentals of security by requiring its officers and leaders to strike a new balance between security effectiveness and line efficiency, while also diligently performing appropriate resolution procedures.

Question#:	15
Topic:	Effective Security Measures
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Jon Tester
Committee:	HOMELAND SECURITY (SENATE)

Question: Is the American public stuck having to choose between long security lines and effective security measures?

Response: No. The Transportation Security Administration (TSA) is working with airline and airport stakeholders to adapt procedures, processes, and resources to the reality of the evolving threat and increased passenger volumes. We will keep passengers moving, but we will also keep them safe.

Question#:	16
Topic:	Protecting the Federal Government's Civilian Information Networks
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: According to press reporting of a DHS internal memo, the DHS Office of Intelligence and Analysis was responsible for at least 119 “spills” of classified information last year.

DHS was recently given the chief place in protecting the federal government’s civilian information networks – what will DHS do to ensure there is no spillage of private information flowing through DHS as a result of its new authorities?

Response: The press reporting was factually inaccurate. None of the incidents involved exposing classified information to individuals without an adequate security clearance. Almost all incidents were self-reported, remediated quickly, and did not result in any harm. The Department considers the handling and safeguarding of classified information a critical component in the execution of its daily missions.

To further clarify, there is a distinction between “classified” and “private” information. “Classified” information contains sensitive information related to national security that is protected from unauthorized disclosure. “Private” information is a broad category of information. Private information can include statutorily protected categories like personally identifiable information, as well as other types of sensitive information about individuals and businesses.

DHS is mindful that one of its missions is to ensure that privacy, confidentiality, and civil liberties are not diminished by the department’s security initiatives. Accordingly, DHS implements strong privacy and civil liberties standards into all of its programs from the outset, including cybersecurity activities that protect the federal civilian government and private sector. The DHS Privacy Office institutes layered privacy responsibilities throughout the department and has embedded the Fair Information Practice Principles. Using these principles, DHS ensures privacy is an integral part of its cybersecurity programs. As part of this commitment to transparency, DHS conducts and publishes Privacy Impact Assessments and privacy compliance reviews for its cybersecurity programs.

Question#:	17
Topic:	Protecting Sensitive Information
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: Why did DHS struggle to protect sensitive information, whether by employees making copies of classified material on unclassified copying machines or by discussing sensitive matters in unclassified phone calls?

Response: There are over 117,000 DHS employees with active security clearances and although any security incident could be potentially damaging, the rate of infractions or violations remains statistically low. Almost all incidents were self-reported, remediated quickly, and did not result in any harm. As noted, none of the incidents involved exposing classified information to individuals without an adequate security clearance. There are no current indicators to suggest widespread systemic problems with our workforce protecting classified information. That said, DHS takes every incident very seriously and ensures timely and relevant mitigation protocols are employed to deter future instances. Some of these measures involve assertive, broad, and focused security awareness initiatives, while others target vulnerabilities associated with information technology. DHS is also enhancing its current program to include improved coordination with the Office of the Chief Information Officer for managing and reducing data spills and performing Component-level outreach to improve coordination and collaboration.

Question#:	18
Topic:	Civilian Cybersecurity
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: Since you last testified before the committee, Congress passed a new cybersecurity law and put DHS in charge of protecting the networks of civilian federal agencies.

How much did the US Government spend on civilian cybersecurity last year?

Has DHS compiled a list of “high-value assets”—IT systems containing valuable information that, if compromised, would risk our national security?

[IF “YES”] Will you share that list with us?

[IF “I DON’T KNOW”] Will you commit to finding out and then sharing it?

[IF “NO”] Why not?

Response: To clarify, departments and agencies remain responsible for securing their networks and systems. The recent legislation has expanded DHS’s role in establishing a cybersecurity baseline for federal civilian executive branch agencies, and supporting efforts to improve their cybersecurity posture. As described in the Office of Management and Budget’s March 18, 2016, report to Congress on the Federal Information Security Modernization Act, the 23 civilian Chief Financial Officer Act agencies reported spending \$4.01 billion for information technology security in FY 2015.

Per the Cybersecurity National Action Plan, the Administration required agencies to identify and prioritize their high value assets (HVAs). DHS is now initiating a series of assessments to help each relevant agency improve the security of their HVAs. The list of HVAs across the federal civilian executive branch is maintained by the Office of Management and Budget (OMB).

Question#:	19
Topic:	Next OPM Data Breach
Hearing:	The Homeland Security Department's Budget Submission for Fiscal Year 2017
Primary:	The Honorable Ben Sasse
Committee:	HOMELAND SECURITY (SENATE)

Question: Nearly a year after we discovered the OPM data breaches, does DHS know how to stop the next attack?

Response: Although federal government agencies are responsible for their own cybersecurity, DHS has the mission to provide a common baseline of security across the government and to help agencies manage their cyber risk. In providing this common baseline, DHS strives to reduce the prevalence of damaging cybersecurity incidents that result in the loss of sensitive information or the degradation of critical services. Our adversaries, many of whom are highly sophisticated and persistent, constantly attempt to compromise federal agencies. By deploying the EINSTEIN 3A system across the federal government, DHS can detect and block these threats before a successful compromise occurs. However, no cybersecurity tool or system is able to detect and block all threats. Individual agencies must therefore urgently patch critical vulnerabilities before they can be exploited. With our Continuous Diagnostics and Mitigation (CDM) program, DHS is focusing first on helping agencies identify and prioritize vulnerabilities, measuring their progress in fixing the most critical vulnerabilities first, and motivating them by enabling standardized comparisons between agencies and across the government writ large. By fully deploying EINSTEIN 3A and CDM across the federal civilian government, we will reduce the likelihood of damaging incidents affecting federal agencies.

We have made significant progress over the past year. Over 50% of the federal civilian government is now protected by EINSTEIN 3A, and Congress has mandated that all civilian agencies join the program by the end of this calendar year. We have awarded CDM Phase 1 tools to 97% of the civilian government, which allows agencies to identify vulnerabilities in the hardware and software on their networks. The next year will see the completion of CDM Phase 1 and new awards with CDM Phase 2, which helps agencies identify “who is on their network” and stop unauthorized activity before data can be stolen.

More broadly, DHS continues to conduct vulnerability assessments and security architecture reviews of federal civilian agencies. These assessments are intended to identify vulnerabilities that could be exploited by adversaries and provide agencies with clear steps for expedited remediation. A recent Binding Operational Directive issued by Secretary Johnson under authorities granted in the Federal Information Security Modernization Act requires agencies to address vulnerabilities identified in these assessments within 30 days, or provide DHS with a mitigation plan. While DHS cannot prevent all cybersecurity incidents, we continue to leverage the full breadth of our

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capabilities to reduce the prevalence of compromises and the impacts of incidents that do occur.

BEN SASSE
NEBRASKA

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BANKING
HOMELAND SECURITY

United States Senate

WASHINGTON, DC 20510

February 29, 2016

The Honorable Sarah Saldana
Director of Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th St., S.W.
Washington, D.C. 20536

Dear Director Saldana:

I would appreciate your help in understanding a recent decision by Immigration and Customs Enforcement (ICE) not to detain a man suspected both of living in the United States illegally and of killing a young woman, Sarah Root, in a drunk driving incident in Nebraska.

On January 31, Eswin Mejia, a 19-year old man, was reportedly street racing in Omaha, Nebraska when he violently crashed his pickup truck into the back of Ms. Root's parked vehicle with her inside. She was rushed to the hospital, where she died.

For the past month, Nebraskans have grieved the death of Ms. Root, who was killed just hours after graduating from college. It is unspeakably sad that this innocent young woman was robbed of her life just as it was set to begin. Adding to the grief, however, is the justifiable anger over the fact that the man accused of taking her life has vanished without a trace after posting bail. Over the course of the last month, authorities have searched in vain to find Mr. Mejia so he might be brought to justice.

I would like to know why Mr. Mejia was ever allowed to leave law enforcement custody in the first place. In addition to being a citizen of Honduras living in the U.S. illegally, the nature of the charges against Mr. Mejia are extremely serious. Prior to killing this young woman, Mr. Mejia was racing recklessly down a busy street with a blood alcohol level three times the legal limit.¹ This was not Mr. Mejia's first encounter with the law enforcement either. Police previously suspected him of drunk driving, but he skipped a court hearing and a warrant was issued for his arrest.²

¹ Doan, Chinh, "I-Team: Authorities search for fugitive: questions raised regarding immigration enforcement," KETV-7 (ABC), February 23, 2016, http://www.ketv.com/news/i-team-authorities-search-for-fugitive-may-be-undocumented-immigrant/38132844#_ga=2.141414141.141414141.141414141.141414141, facebook.

² "Teen driver facing motor vehicle homicide charge," WQWT.com, February 3, 2016, <http://www.wqwt.com/home/headlines/Two-hurt-one-critically-in-crash-draped-in-questions.367136471.html>.

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For these reasons, Omaha's Deputy Police Chief Dave Baker said his department repeatedly asked ICE to detain him.³ Unfortunately, that request was repeatedly denied.

The reason ICE gave to the news media said that detaining Mr. Mejia after he reportedly killed Ms. Root was not consistent with the Department of Homeland Security's immigration "enforcement priorities." The full statement from ICE is below.

At the time of his January 2016 arrest in Omaha on local criminal charges, Eswin Mejia, 19, of Honduras, did not meet ICE's enforcement priorities, as stated by the Nov. 20, 2014 civil enforcement memo issued by Secretary Johnson, because he had no prior significant misdemeanor or felony conviction record. As such, ICE did not lodge a detainer. Mejia is scheduled to go before an immigration judge on March 23, 2017, and it will be up to the immigration courts under the Department of Justice's Executive Office for Immigration Review (EOIR) to determine whether he has a legal basis to remain in the U.S.⁴

As you know, the enforcement priorities mentioned above were created as part of the President's immigration executive actions.⁵ The policy requires that ICE give its highest priority to removing illegal aliens who pose a threat "to national security, public safety, and border security." While this includes those who are convicted of serious crimes, DHS officials are given broad power to "exercise discretion" about whom to detain.

DHS has repeatedly said that the use of "prosecutorial discretion" is meant to ensure federal law enforcement officials judge the facts of each situation on a case-by-case basis, and determine threats to national security and public safety.⁶

If this man is not a threat to public safety, then who is?

To summarize: Mr. Mejia was suspected of living in the country illegally, of driving recklessly down a busy public road, of driving while highly intoxicated on several occasions, of killing a young woman, and of skipping a prior court hearing. Nebraskans look at these facts and wonder how ICE did not consider this man a threat to public safety.

Given Mr. Mejia's disappearance, ICE should explain clearly how it implemented its detention policy in this case. Please provide my office with answers to the following questions prior to Mr. Mejia's schedule immigration hearing on March 23.

³ Cooper, Todd and Bob Glissmann, "Systemic failures allowed man accused in motor vehicle homicide to vanish," *Omaha World Herald*, February 22, 2016, http://www.omaha.com/news/crime/systemic-failures-allowed-man-accused-in-motor-vehicle-homicide-to/article_7bb2a688-8bdb-554f-b795-4381b3e9d464.html.

⁴ Huston, Warner Todd, "Judge Lets Drunk Illegal Immigrant Go After Killing Nebraska Woman: Hearing Lasted Just Minutes," *Breitbart*, February 23, 2016, <http://www.breitbart.com/big-government/2016/02/23/more-info-on-how-courts-let-drunk-illegal-go-after-killing-nebraska-woman/>.

⁵ Memorandum from DHS Secretary Jeh Johnson, Released on November 20, 2014, titled, "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants."

⁶ https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf

⁶ Website of U.S. Customs and Immigration Enforcement, "Administration's Announcement Regarding a New Process to Further Focus Immigration Enforcement Resources on High Priority Cases," accessed February 29, 2016, <https://www.ice.gov/repatriation-faq>.

1. Who exactly at ICE was responsible for evaluating whether Mr. Mejia was a threat to public safety?
2. Why did ICE decline to detain Mr. Mejia, despite several requests to do so by the Douglas County Police Department? Were each of these requests denied on a case-by-case basis?
3. In its public statement, ICE referenced the November 20, 2014 immigration executive actions. Why does ICE believe that new policy required the agency not to detain Mr. Mejia?
4. Did anyone within ICE consider Mr. Mejia a flight risk? What steps were taken to ensure he did not flee the country?
5. What is ICE doing now to find Mr. Mejia?
6. Do you consider Mr. Mejia to be a threat to public safety?

It is deeply troubling that this was allowed to happen. Given the urgency of this situation, Nebraskans deserve answers. I look forward to a prompt reply.

Sincerely,

A handwritten signature in black ink that reads "Ben Sasse". The signature is written in a cursive, slightly slanted style.

Ben Sasse
U.S. Senator

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

May 7, 2016

The Honorable Ben Sasse
United States Senate
Washington, DC 20510

Dear Senator Sasse:

I write in response to your April 5 letter to me. There are no satisfactory answers to the tragic case of Sarah Root.

Plain and simple, Eswin Mejia should be detained right now. However, I will not cast fault on decisions made by ICE personnel with respect to Mr. Mejia. At the time of his release by the county court, Mr. Mejia had not yet been convicted of a criminal offense. However, my November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, makes clear that immigration officers may pursue the removal of any alien where to do so would serve an "important federal interest," regardless of whether the alien falls into the specific priority categories. Under the circumstances of this case, further immigration enforcement action against Mr. Mejia would have served such an interest. Director Saldaña has since made clear to the ICE field offices that similarly situated aliens should be subject to enforcement action even if such aliens do not fall within the delineated priority categories. I have also reiterated this to ICE leadership myself.

ICE is working to locate and apprehend Mr. Mejia. ICE added Mr. Mejia to its Most Wanted list. The Department and ICE will do all we can to ensure this fugitive faces justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson".

Jeh Charles Johnson

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